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CHURCH AND STATE

CHIEFLY IN RELATION TO SCOTLAND

THREE LECTURES

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CHURCH AND STATE

CHIEFLY IN RELATION TO

SCOTLAND

BY

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CHURCH AND STATE FROM CONSTANTINE
TO THE REFORMATION,

BY

ROBERT RAINY, D.D.

CHURCH AND STATE

FROM CONSTANTINE.



I WISH to explain at the outset that the subject of to-night's lecture was not selected by me, but assigned to me. I should hardly have proposed, of my own motion, to treat so great a subject in a single lecture ; and now that I am face to face with it, it is certainly a comfort, in its way, that in palliation of the disproportion of my essay to my theme, I can plead the necessities of the course to which I had to conform myself.

I do not wish to detain you with preliminary reflections. But it may be as well to remind you, that wherever the Church exists, there must be some relation between Church and State ; and where Christianity is generally received, those relations will naturally be friendly, at least in their general conception and intention. Questions arise as to the way in which these relations are to be regulated ; how close they may or should be drawn ; and how the true

Relations between Church and State always. Theory not discussed in early times.

interests of the Church, and also the various duties of the State, when completely conceived, bear upon the plans that have been followed or suggested. However important these questions may be, they were not discussed at the outset of our history. Things settled themselves, not by theory, but according to what seemed, at the time, a natural and useful practical arrangement, advantageous for the Church, and politic for the State. Questions arose later, when practical difficulties led thoughtful men to recognise a problem which required to be settled, and stirred them up to propound principles which, they supposed, might afford the requisite guidance.

Strength of each form of social life.

Another remark, which it may be as well to submit at the outset, is this. Although mal-arrangements of affairs may occur, as between Church and State, yet as long as the two continue in any tolerable degree of vigour, or indeed as long as there is life in them at all, neither Church nor State can wholly fail to occupy a large part, at least, of its own ground, and to exert a large part, at least, of its proper influence. Each is in its own nature too strong, and too strongly grounded, to be ever wholly obliterated—ever to have its proper genius wholly repressed. The State, rooted in the nature of man and of society,—the Church rising

into existence out of the call of Christ and the recognition of His authority, conscious of supernatural sanctions and supernatural aims,—never can, either of them, wholly give way to the other. No doubt, on the other hand, wrong relations between Church and State are pregnant with practical mischief, so much the more, as the life of each is intense and durable. Still, the remark is important in order to avoid exaggerations. And it has this bearing on our present theme, namely, that when the Church, in point of fact, entered on friendly relations with the empire, her consciousness of vigorous internal life, did no doubt tend to avert anxiety on her part as to what might be before her. No Christian mind, perhaps, was visited at that time by the fear that the State's friendly embrace might some day involve, or resolve itself into, a wrestle. But if the idea had presented itself, it would not have frightened the Church very much. Her's was the mood which would count on being enabled to hold her own, in all contingencies.

There is just another preliminary which I wish to note in a word in passing. One of the evils which infest churches is clerical or sacerdotal domination. And one of the benefits which has occasionally arisen from a strenuous assertion of the power of the State

Clerical domination not considered.

over the Church, has been the restraint of that evil—*i.e.*, an evil, which it is well to have restrained in some way, has occasionally been restrained in that way. I take no notice of this matter in the remainder of my lecture ; for this reason, that any efforts of the State on which I have particularly to dwell exerted no considerable influence on this aspect of Church life, —none that deserves to be dwelt on in a sketch like this.

Distribution of Subject.

Passing from remarks like these to my special subject, let me ask you to observe that the long history it presents may be roughly divided into three principal periods—first, the relation of the Church to the Romish imperial system ; secondly, its relations to the monarchies, which formed themselves after the barbarian invasion—a very confused and fluctuating state of things, in which, however, a fixed point is supplied, for a time, by the remarkable system of Charlemagne ;—and then, thirdly, the relations of the Church to the European States from the 11th century, inclusive, until the Reformation. I will try to say something about the first and the third, which will certainly be as much as I can reasonably attempt. In each of the three great periods specified, considerable changes occurred. No

general account can be given of any of them, that may not be challenged as inaccurate, if applied to some part or aspect of it. All that can be done is to select features which are fairly characteristic on the whole.

Up to the days of Constantine, Christianity had remained an unlawful religion, classed with those worships which the Roman law prohibited as dangerous to the State. It had experienced various local persecutions, and some general ones, strong popular antipathies frequently coming in to animate the action of the law. In spite of this, Christianity continually gained stronger hold in men and on Society. It was disliked, suspected, despised, and irresistible. Influences were thus ever working quietly on its side, which, combined with the known inoffensiveness of the Christians, brought about a large amount of practical connivance on the part of the authorities; so that the execution of the law, sometimes spasmodically violent, seemed sometimes to slumber altogether. Otherwise, the persecutions would have been far more bloody and continuous than they were. Periods occurred, one or two of them of considerable duration, during which the Christians had little to awaken their anxieties,

Legal position
of Christianity

and found it scarcely necessary to conceal their worship, or their actions. One such period preceded the Decian persecution, and another preceded that of Diocletian. In both cases the administration of the law was suddenly reawakened, and relentless persecution replaced for a time the passive attitude of toleration and indulgence.

Attraction
exercised by
it.

Especially during those periods of respite, Christianity had made striking proof of its power to attract and attach numbers of men of all classes, in addition to those whom it transformed into thorough and devoted Christians. It drew to itself masses of men whom it did not thoroughly master, and yet whom it strongly influenced. The persecutions, especially the Decian persecution, brought to light the unsound quality of a great number of Christians. But those who failed were not—they never had been—hypocrites, in the sense of that word in which it denotes one who consciously professes a religion which he does not believe. There was no motive to induce most of these persons to make a profession of that dishonest kind. Christianity had influenced, had attracted them. They really preferred to be Christians, though they were not prepared to continue such at the cost of much suffering.

What we find, then, is, that throughout the Roman world Christianity was felt to be the coming religion. Men who detested it, and wished to stop it, felt it coming. They not only knew that it was making progress as a matter of fact, but they perceived and felt the elements of force about it, in the conceptions it proposed, the manner of life it propagated, the hopes it cherished, the judgment it proclaimed; by reason of which it was making, and would make progress. A higher influence such men might not own, but so much they clearly enough perceived. Into the space in men's minds, and in society, occupied by mythical beliefs which were dying, and by philosophical speculations which had never been alive, this new comer kept pressing in. It was this which alarmed and exasperated those, who believed it to be essential to the welfare of the State, that the spirit of old Rome should be kept alive. For it seemed plain that what Christianity gained, Rome must lose.

It is no small proof of the political genius of Constantine, that he undertook to place the State on friendly terms with the growing religion, treating it henceforth—not as an influence that undermined the State—but as a trustworthy ally. It was a great step

Felt to be the
Coming Re-
ligion.

Policy of
Constantine.

to take. And one might expect the expediency of it to be the less obvious to Constantine, because he was a soldier, and must maintain himself by the sword; whereas Christianity, up to this time at any rate, had worn no friendly aspect towards soldiering, and was known as the nurse rather of the passive than of the military virtues. But Constantine had seen Christianity pretty near at hand, and probably had formed his own impressions of what could be made of it. At all events, the time was come, and the man. The State was no longer to be committed to a fruitless struggle with one great tendency of the time, but was to countenance it, and take advantage of it. That opened the likeliest future for the State. And Constantine, as a candidate for supreme power, was to take his place as the public and known friend of the same tendency. That opened the likeliest future for him. The decision was made; and for Constantine it was a prosperous one. It remained to see how the genius of the empire could accommodate itself to this new companion. By cautious steps, not precipitating a collision with the old worship, but gradually breaking with it, Constantine sanctioned Christianity, and set it in a place of honour. His sons carried out the

policy with less reserve, perhaps with less insight and dexterity.

The State then took this new attitude to Christianity. When we say so, we must remember that we are not speaking of a State organised so as to be represented by a constitutional government. For the period we speak of, the State is first of all the Emperor, subject only to the check of a possible military revolution. It is true, indeed, the Emperor's discretion was not quite so arbitrary in the State as might at first appear; for the majestic and wonderful form of the Roman law confronted the Emperor himself. Although he could modify particular laws, the spirit of that jurisprudence was too vigorous, and its roots too deep, to admit of its being despised or neglected. However, in this matter of religion, in which the course taken was so wholly new, the Emperor of course re-arranged matters at his discretion. It is the mind of the Emperor, not primarily or visibly the mind of the empire, that meets us in the new arrangements adopted on behalf of the State. Still, since, on the whole, these arrangements did not fall, but stood, we must take it that either at first, or at least in the end of the day, they fairly enough represented public sentiment and opinion.

State represented by Emperor.

Christian
religion em-
bodied in the
Church.

On the other hand, the Christian religion was embodied in the Christian Church, which, for all practical purposes, represented and stood for it. We are not here to concern ourselves with theological questions about the nature of the Church, and its relation to Christian religion and doctrine; nor are we to discuss distinctions which subsequent experience, and the long discipline of providence, combined with fresh examination of God's Word, have brought into light, or have elevated into enhanced significance and importance. But it is necessary to remind you that, right or wrong, the Christianity of Constantine's days, was very decidedly Church Christianity. It conceived itself no otherwise than as it existed in the great authentic organised society, conscious of its unity, of its separateness, and of the supernatural energy which sustained its life. The exceptions to this statement were quite insignificant; for, though there were sects, yet even of the sects, each in its own way, the same statement may be made. Of this institution, too, we, as Presbyterians, may think, that its organisation had become too hierarchic, and was becoming still more objectionably so. Its government was too autocratic—too little representative. Yet for our present purpose it would

be a mistake to make much of this, however important it may be in other relations. The Church was full of glowing and sympathetic life; and the popularly elected Bishops were, or at least, if reasonably deserving of respect, could always be the leaders of their people.

Practically, then, it was the Church—the question, what to do about Christianity, was, practically, what to do about the Church.

And, just on this account, it is well for us to mark, not only the formal and detailed arrangements, but the two separate forms of life that came into alliance, and the elements of strength and influence which each possessed, and could bring to bear on the situation. First, then, as regards the State; it was the decaying age of the empire—the period we associate with Gibbon's "Decline and Fall." Some consciousness of the downward tendency of things we must suppose was present to thoughtful minds—Christian minds as well as others. There were tokens enough of it, though tokens of that kind are appreciated afterwards as they seldom are by contemporaries. Still, however that might be, to the Christians as well as to others, the Roman empire was, in a very emphatic sense, the world—it was the

Two forms of
life and their
resources.

Roman State.

scene on which, it seemed, the main interests of the race must be transacted. And the system of the Roman government—which sheltered and upheld, as it had done so long, the various interests of civilised life—had a place in their minds, which it is difficult to represent to ours. That great system was not only the house they lived in: it was so, with this besides, that any other house to live in was inconceivable. The system of Rome might be annihilated of course: it was an earthly thing: so also the world might come to an end; but it was about as easy to see beyond the one as beyond the other. Through all the confusions and disgraces of successive reigns and revolutions, there remained a continuity of system, ever emerging unchanged, which impressed the mind with the idea of venerable, durable, self-centred power. On this system were entailed all the traditions of the strength and the triumphs of Rome. The Church was trained, indeed, not to tremble in the presence of Roman power; again and again she had calmly awaited the worst that it could do, secure of the help, in time of need, of Him that sitteth in the Heavens. But she was just as far from either seeking or contemplating its overthrow. Submission in matters

that did not touch conscience was the Christians' watchword.

The whole administration of the empire had been associated in Christian minds with Paganism, and it was long regarded as retaining a taint, prevailing and pervading, of the old spirit. For a long time the administration of the State, even after it was in Christian hands, continued to have attaching to it, in the minds of earnest Christians, an impression of something mixed up with the unbelief and ungodliness of the world. It was looked upon with distrust. Christians who were engaged in that work, were felt to require peculiar sympathy and help.

Impressions
about the Civil
Hierarchy of
the Empire.

But though some such feeling continued to exist with reference to the general hierarchy of the State, a different type of feeling was set, from Constantine's days, with respect to the Christian Emperor. The Emperor, in whom the whole power and dignity of the State was summed up and embodied, had himself come over to the Church. He had brought the whole power of the State, against its own genius and bent as it were, to be on the Christian side. The thing was astounding; its effects were incalculable, not for

Feeling as to
the Emperor.

the present only, but for all the future. No wonder that men thought of Constantine almost as an angel of God. In the Emperor, one saw the incarnation of God's favouring providence, moving towards the Church and cause of Christ, in the most remarkable and decisive manner. The interest which he showed in the Church's affairs, Christians were disposed to meet with the warmest welcome. They rejoiced that he was willing to make these affairs his own concern, and they were prepared to put the best construction on all his proceedings in that line.

The Church.

On the other side, the Church came with no physical force, and was precluded by her own principles from desiring or seeking to wield that weapon. She came, however, with the moral strength derived from Christian faith—with that also derived from proved fidelity under persecution—and with that which accrued from the mere fact that the State, which had vainly fought against her, now gave up the contest and sought her as an ally. But in order to estimate the relative strength which the Church brought into the new relation, yet another consideration must be added, namely, the strength of political life, of which the Church was the seat. By political

life, I mean the life which inhabits a body politic, which unites and moulds the members of it, and makes the whole energetic. No one knew, at the time, how important this factor was to prove ; but the generations which followed bore ample witness to it.

There was not then in the world, nor for many a long day after, any social organisation which possessed anything like the political vitality of the Church. The State, the Commonwealth, was somehow decaying ; it was fading. Individual men might be brave, resolute, able, as in other times ; but the common life was low and weary, and the individual man sank to the level of the life he shared. Politics, thought, literature, poetry, art, all were flat and unprofitable. Somehow, to use a common expression, men were beaten when they tried them. Nothing could be made of them. Only in the Church it was otherwise. The Church mind, being part of the common mind, did certainly share the prevailing defects of the time. But yet in the Church there was a fresh life pulsating, and it had in it the promise of ages to come. Christianity had a future, and had work to do, close at hand and all around, which lay in the way to that future. Christian convictions propagated, through many minds, a stream

Her political vitality.

Effect on representative men.

of energetic thought upon the problems of life—thought, which had a common basis, in the Church's faith, and yet had still individual variety and freshness. Christian congregations felt that they organised and embodied a common life, in which each member took a part, and into which each threw his share of influence. Leading men felt themselves sympathetically watched, in the use of their responsibilities and powers, by an eager body politic; and they felt that, in moulding and guiding the Church, they were exerting real influence on the affairs of men. How few of the statesmen or philosophers of those days deserve to be remembered for any striking contribution to the history of the world! And how certain that the great ecclesiastics, had they been anything but ecclesiastics, would have left for us, at most, some dubious and obscure record of official employment, or of namby-pamby literary effort! Passing to the service of the Church, these men were vitalised at once. The palsy of a decaying century vanished, and they became men of power. Take Ambrose, for instance, always a man of exceptionally noble character, a member of one of the first Italian families, one who had every advantage of his time. Had he continued in the line of his first career, he might have

been all his days an excellent Prætorian prefect, doing the best he could with a falling empire, with imbecile rulers, with selfish and treacherous associates. He became Bishop of Milan, and he expanded at once into a great power, and made his distinct and memorable contribution to the history of the world. Now this element in the relative strength of Church and State, was not a passing one: it was durable for all the period of the empire. The alliance with Christianity may have prolonged the duration of the Roman State, but it can hardly be said to have recruited or restored its vigour. The Church, again, whatever the effects of her alliance with the State might be in other respects, continued long to nurse, even in an increasing degree, the intense peculiar life of a body politic. The State grew bleached and pale at her side.

These were the two forms of life which drew together. The arrangements that ensued may be regarded in the light of a first experiment on untried ground; and the experiment was made simply by each party doing what seemed natural and reasonable in the circumstances, in connection with the general course resolved upon. There is no reason to think that either party aimed at anything but what they

Absence of
theory or
elaborate
design.

expressed. The State, which had persecuted the Church, was now to countenance it as a divine institution, and was to get the good of the Church's moral influence and succour. Again, the Church, which had hitherto done its work under the ban of the law, was now to do it with the law's approbation.

Steps taken.

Accordingly, the work was begun with a general toleration of all religions. That toleration gave place, before very long, to a practical proscription of heathen worship in most places. But in the meantime it relieved Christians from the penal laws; and that effect of it was farther confirmed by specific edicts applicable to themselves. Again, the churches were authorised to hold lands and take legacies; and they had restored to them any properties of which they had recently been deprived. The observance of the Lord's day was sanctioned. The clergy were relieved from troublesome municipal obligations, and to some extent they were relieved from taxes. The Emperor, personally professing the Christian religion, tried to strengthen the cause he had adopted by using his influence with others to do the same. No general and systematic endowment was thought of; but in various places the Emperor built churches, and in various instances he made grants of money, either as donations or by way of

annual revenue, to support the cause. By-and-by, heathen temples began to be given over to the Christians, and also, in some cases, the lands attached to them. But it may be said, with a good deal of confidence, that for a long time the legal recognition of the right of the Churches to hold property was more valuable, in a pecuniary point of view, than any gifts directly bestowed by the State. Property came, fast enough, from private gifts and legacies, and the law authorised the Church's tenure of it. Still, the effect was that everywhere the bishops became public official persons, with a great position, and often with great revenues. The complete right of the Church to perform her ordinary internal functions was in all this pre-supposed, as evident of itself.

All this was concurrent with the gradual withdrawal of official recognition and aid from heathen worship. The Christian religion remained, adopted and favoured by the Emperor, the only religion which had any kind of recognition. This, under a system of government like that which then obtained, was a fact of enormous influence, even before the State undertook, as it soon did, to discourage heathenism, or to suppress it.

New position
of Christian-
ity.

So far, then, the main and most important things were the emancipation of the Church from all hin-

drance on the part of the State, and the express adherence and encouragement of the head of the State. In addition, certain useful facilities were accorded, and some grants of material aid were given. These were not of first-rate importance in themselves. But they gave additional expression to the idea that the religion and Church of the Christians had become, or were becoming, also, the religion and Church of the State. And the same idea was carried out in other arrangements, by which the confidence of the State in the Church, and its disposition to entrust the Church with powers and duties, were signified. Such were the confirmation of the old Christian custom by which bishops might arbitrate disputes between the members of their flocks; the right of sanctuary in churches; the right of intercession with civil tribunals on the part of bishops; the general inspection of morals conceded to them; and by-and-by a jurisdiction over the persons of ecclesiastics in other than ecclesiastical causes. These are specimens of arrangements, often arising out of old Christian customs, or suggested by Christian ideas, which took place sooner or later, as suitable, or convenient. There was no end in view, probably, in making such arrangements, except to increase the influence and usefulness of

ecclesiastics, with a view to the advantage and convenience of State and Church both. No special theory of ideal proprieties dictated the arrangements; nor would it be fair to imagine plots or intrigues, for private or party ends, as driving on the development.

At the same time, all this silently carried with it What implied. the idea—or suggested it—or laid a foundation for it—that the organisation of the Church was part of the machinery of the State. Now, whatever forms part of the machinery of the State, the State will tend or will try to inspire with its own spirit, and to direct as with plenary authority. It was more and more fixed, as it were, that the official position of the bishops, of every bishop, and always, included the exercise of powers derived from the State, and the discharge of responsibilities, with respect to which the State may and ought to exact an account, as the proper authority in that behalf. The Church, however, for the most part, had no fears, but gladly welcomed the advantages accorded to her : she desired to have all the influence she could, for she meant to use it well. She meant, as far as she could, to Christianise the State : she meant, as far as she could, to Christianise the people.

It was no part of the idea of this settlement, to subject ecclesiastical causes to the decision or review

Relation of
Church to
Emperor.

of the Emperor's courts. I have already hinted that the administration of the empire had come to be regarded with a certain repugnance or repulsion by Christians. The idea of subjecting pure ecclesiastical causes to such tribunals was far enough from all men's thoughts. On the contrary, questions connected with civil aspects of ecclesiastical matters, that might well enough have been disposed of by the civil courts, were, not unfrequently, carried straight up to the Emperor himself. With regard to the Emperor, as I have already said, the mode of feeling was different. Putting together the kind of superhuman dignity which the Emperor had acquired in the heathen times, and the impressive change by which he, with all his pomp and power, had moved over to Christ's despised Church, the Emperor stood before the Christian minds almost as the visible providence of God. When he mingled as a domestic element in the affairs of the Church, he did so with a quite peculiar and a very authoritative influence. This influence and authority, when occasionally exerted, wrought in a manner that could be reduced to no clear rule, even as it proceeded on no clear ideas. And the upshot could only be, in these circumstances, a confused Erastianism (to use the term of later days); confused,

because neither the authority it wielded, nor the limits it deferred to, were consistent or intelligible.

Now, what interests me in all this process, is the extremely natural, and, so to say, innocent way in which it all came about. Of course, after men on either side had got hold of power, and experienced the pleasure of exercising it, they wished to keep it, and extend it ; and at that stage design comes in. But, really, at the outset, the evolution appears, at least, to have been singularly free from an element of design—to have worked itself out in a very natural way.

Natural
character of
the process.

Observe how many ways the Emperor might fairly utter some kind of voice in ecclesiastical affairs. First of all he was the Church's great and recent benefactor—a benefactor on a quite incomparable and astounding scale, transforming utterly the Church's outward condition. On that ground alone it was only fit that representations coming from him should have great consideration ; just as, if I may be allowed the comparison, our Established Church might very becomingly have given a respectful and cordial consideration to any Christian representations, coming to them from the late Mr. Baird. Again, he was the head of the State—a great divine institution, charged with caring for the social welfare of the

Various forms
of influence
falling to the
Emperor.

community. Those who have held the highest doctrine as to the independence of the Church, have recognised a duty in the Church to entertain respectfully representations or admonitions about their own proceedings, coming to them from this high quarter. And this right and duty is quite independent of what we call Establishment. If—which I do not think likely, and hope will not ever be necessary—but if the State, or the community through the State, were to remonstrate with the Churches, with my own for example, about their proceedings in some matter bearing on the welfare of the community—drink, for instance, or anything else—I hold a non-Established Church under precisely the same obligation as an Established one, to give such remonstrance the most anxious, and the most respectful consideration. Next, the Emperor had bestowed on the Church, and was continuing to bestow, substantial gifts, and some useful personal immunities. Surely he had some right and interest in connection with these. For, if they did not ground for him a right to dictate, yet he had not lost his right to modify or withdraw them. Still further, there were matters, not perhaps of the first importance, but still of some, in which the Emperor had awarded to the Church the exercise of jurisdictions

that were essentially his own; bringing Churchmen into the place, for certain purposes, of himself, and of his proper officers. This carried with it a relation of proper and direct authority in the Emperor, of proper and direct subjection in the churchman, which, however, was obscurely felt rather than clearly discerned. Yet more, there was this consideration, that the religion and Church of the Christians had become the religion and Church of the Emperor, of the State, of the great Roman community—a vague idea, yet suggesting a right or interest in the head of the State to deal with the matter as somehow his. All these things were combined with the fact that every ecclesiastical person was personally the Emperor's subject, disposed to treat him with the utmost deference, bound to obey him in all things that did not touch conscience, and forward to shew how willingly he discharged the obligation.

Now, we, as the result of hundreds of years of discussion, are accustomed to analyse cases of this kind and to apply principles to them. I, for example, as a Free Churchman, or any Free Churchman, could tell, readily enough, how we should dispose of each of the elements of the case just described; what rights we should ascribe to the Emperor on each

Not discriminated in those days.

separate ground, and how we should consider that he ought to extricate and exert them. We could do that, and we might be right or wrong; but we should know the ground we took up, and the responsibilities it was likely to entail. It was wholly different in those days, when the elements of a complex situation were felt rather than discerned, and the various processes and influences were working into shape in an experimental way.

But when I have said all this I have not yet said enough to exhibit the situation, and the tendencies which lay concealed in it.

Unity of the
Church and
effects of it.

I said a while ago, that the Christianity of those days was emphatically a Church Christianity. Now, one great element in that type of things was, that the unity of the Church, as a single and peculiar organised society, was strongly conceived and intensely valued. It was entirely in the line of what was then generally approved, when Constantine showed his appreciation of this great idea, by confining the enfranchisement and recognition which he granted, strictly to "the unity." It was the Catholic Church, not the sects, that were to benefit. And it was still quite in the line of the prevalent sentiment, when Imperial edicts made

it clear, that everything but the Catholic Church was to be discouraged and repressed. All that was a tribute, by the Emperor, to a great Christian sentiment, embodied in the great Christian institution. And, indeed, from that day to this, for it stands in our own confession, the duty of the magistrate to care for the unity of the Church has been professed, though there have been some considerable difficulties as to how the duty was to be explained and applied. It appears to me that some great Church and State men in our time have wholly turned their backs on this idea ; but it was in full force in Constantine's days. And not at all as encroachment on the Church, but as service and aid to the Church, the power of the State was applied, not merely to encourage the Church, but also to discourage the sects, as well as to discourage the heathen.

This was not at first meant, I repeat, as assumption of power over or about the Church, but simply and truly as service and aid to the Church. But then, when, in the course of the formation of the Church's creed and the development of her practice, divisions arose, inconsistent with, or destructive of the unity, the Emperor might or ought, on the same principle, to come to the aid of the

Opening for
civil interposi-
tion.

ecclesiastical action, with a view to suppress what was schismatic and wrong. Here came the opening for the effective interposition of Civil power. For what I have now said, is as much as to say, that the Emperor took a side, and applied his power according to the side he took. Certainly, if he was to act so decisively, he had a right to consult his own conscience as to the side for which he was to act ; he was very certain also to consult his own inclinations ; and if any one shall say that it was his duty to guide himself by the voice of the Church, it is enough to reply that his conscience and inclinations would go far to settle in any disputed case, which side *was* the Church for the present purpose. And thus a habit of authoritative interposition was formed and sanctioned, which clearly implied some ill-defined right on the Emperor's part to control by authority, and affect by power, very important and vital Church affairs. This afforded a decisive corroboration to all the other influences that were at work, tending to bring the Church in general, and ecclesiastical men individually, into an injurious subservience to the Imperial court. It is possible perhaps for a theorist to find distinctions, by which a right in the Prince to aid the Church by persecuting heretics and schismatics

Result.

shall be kept clear of the inference that he has a right to dictate *in sacris*. But, in the circumstances of the Empire and the Early Church, such distinctions are nugatory ; and though some Imperial proceedings in this line may be explained away, as a matter of fact, the one thing led to the other ; the duty to persecute became a right to dictate. It is a cause of thankfulness that, in God's merciful providence, some of the early Christian Emperors went wholly wrong in their theology, and conscientiously persecuted and worried the men who were the strength and life blood of the Church—who represented its real and deepest convictions. That wholesome experience did something to form, in the Church, an impression of the necessity of guarding her highest interests against danger from this quarter ; but by no means in a degree sufficient to cure the evil, or to prevent its injurious development. The worst effects of it were averted simply by the fact that in those days, as I have explained, the Church had so vigorous a life in it, as compared with the State. Clear and sound principles were not applied. The Emperors often assumed power, and had power conceded to them, improperly. But the Church could always make her strength felt when thoroughly roused. The more pernicious results were developed

in the East. In the West, causes were at work which powerfully limited the encroachments of the State—the same causes, or some of them, which ultimately favoured and promoted the encroachments of the Papacy.

Lines by which
State power
worked.

I have dwelt so long on this aspect of the case, because it has interesting relations to modern discussions. It is, of course, only one factor of a complex case. But it is an important one; and it did much to fix the kind of element in which the Church was to live, and the kind of influences she was to undergo, during her connection with the Empire. I may say that, especially in the East, the power of the State to influence the Church wrought by two lines of opportunity. First, it wrought in connection with divisions which arose about the Church's creed and action; and secondly, in connection with the power to affect men's income and outward comfort, which so many influences had lodged in the hands of the State. I think any unprejudiced student will own that, on the whole, in both these lines, the results were thoroughly injurious. They were so even when the Emperors were disinterested and conscientious. The direct entanglement of the imperial court in the theological

contentions of the age was the source of unspeakable confusion and disadvantage both to Church and State. And the fawning dependence on emperors and great men, which the other line of action encouraged, powerfully developed whatever was base in the Church. No doubt it also gave occasion to the more brilliant display of the higher qualities of righteous and high-minded men.

As to the more general results of the great change of relations effected in Constantine's days, two questions arise. One has regard to the effect upon the State. Effect on State. First, the influence in favour of idolatry, which the State had heretofore exercised, came to an end. Secondly, legislation and public action were improved in several very important departments; for example, as regards the slaves, as regards the poor, as regards the sick, as regards various immoral and discreditable practices and institutions. Thirdly, we may set down an influence for good, not unmixed perhaps, but surely considerable, from the mere contact with Christian minds—especially with energetic and devoted Christian minds—which naturally arose, under the new system, for magistrates and judges; not to speak of the cases in which magistrates and judges were sincere Christian men themselves. These were very considerable benefits.

The Roman State was decaying, doubtless, and was by-and-by to fall; yet benefit was reaped in the meantime, and a turn was given to the Roman law, in its latest stages, which propagated an influence down to later times. These things are undeniable. It must be added, however, that there appears no reason to think they need have been realised in a less degree, had the connection of Church and State been somewhat less close; had, for instance, the Christian Church herself been set free to do its work with honour; had the Emperor himself, and those whom he could persuade to do so, adopted the Christian religion, submitting to its influence, regulating legislation by its teaching, and using their private influence on its behalf—and had the process stopped there.

Effect on
Church.

With reference to the effect upon the Church, the outward prosperity which now took place was a welcome relief after the oppressions of the past. The public position conceded to the Church gave her an added weight and influence in the community, which settled the question as to the religion henceforth generally to be professed within the empire. And a great accession of disciples to the Church's fold ensued. But, on the other hand, a deplorable secularisation and corruption of the Church took place. The

world—a very pagan world—rushed into the Church ; and all existing tendencies towards superstition on the one hand, and towards a relaxed moral condition on the other, experienced a fresh and powerful impulse. Strenuous desires and endeavours to deal aright with this state of things were not wanting, and some of the Church's sons gave token of unsurpassed devotedness in their efforts. But even these, though they escaped the taint, did not escape the bewildering influence of the position.

It is, I think, an over-hasty logic which ascribes all these evils to what we may call the Establishment of the Church in Constantine's days. For, let us make the supposition that anything like this had been as much as possible avoided ; let us suppose that the Church had received full toleration and approval ; that the Emperor, with all the prestige attached to his great position, joined the Church ; that he ceased to countenance and support any other worship, used his private influence in favour of Christianity, and was known to cherish more confidence and regard towards Christians than towards others ; suppose that in this way only it had become a recommendation and advantage to a man to be a Christian, then that alone would have been enough to

Not all to be set down to "Establishment."

produce very great effects. The flow of the world into the Church was real enough before, and had been fruitful of visible bad effect in Origen's days ; and no doubt it would, on any supposition, have set in with tremendous power in the days of Constantine. For the old religions were dying ; Christianity was the only alternative ; the future was felt to be with it ; it only needed that the counter pressure of State persecution should be taken off, and that an appreciable prospect of advantage should appear on the side of Christian profession, to dispose great crowds of men to join the Christian Church, and great crowds more to let their children join it. When that stream began to run, it was sure enough to bring with it great risks and dangers for the Church : in dealing with these, and passing through them, human infirmity was only too certain to be abundantly exhibited. This, I believe, was sure enough to be the case, on any arrangement of it. Unquestionably, however, the arrangements that were adopted, as they were arranged and developed, had the effect of greatly aggravating the inevitable evils ; they accelerated and intensified the secularisation of the Church and its general corruption ; and they had the effect, in particular, of causing the principles and practices of

secular politics, in their then existing form, to take force throughout the province of Church affairs.

It is well of course to remember that the main evils which have afflicted the world and the Church have deeper roots than any of those mistaken arrangements into which men may have been occasionally led in their management of affairs. Still, looking back, one may be tempted to ask—What arrangement of affairs in Constantine's day would have been most likely to avoid the evils which we see coming in the train of the arrangements adopted? It is, indeed, in some respects, an idle question. For, in the first place, we do not know what evils, unimagined by us, would have ensued from any scheme we are pleased to suggest; and, in the second place, we may be quite sure that it was perfectly out of the question for any one in Constantine's days—for ourselves, had we been there—to have imagined our modern way of it, or to have imagined the reasons which may be urged in its defence. It is vain to canvass what might have been had God's providence not been what it was. But the question may afford a way of bringing out one's impressions; and, if so put, I see no answer but one. I can only suggest that (whatever friendly co-operation for

What else
could have
been done?

common objects might take place) neither Church nor State should, in the meantime, have contracted definite and permanent responsibilities to one another: the Church—that is, the Christian community—should have been left to work out the solution of her problems on her own ground, and, in the main, by her own resources. I see no answer but that. For if any one suggests what I may call, for brevity, the Free Church theory of Establishment, as an idea which might have been realised, I reply by reminding you that the Church was in process of forming her creed and shaping her practice: she had some of the most important steps in that process still before her. On the Free Church theory, the duty of the Emperors would have been, not, indeed, to interfere precisely as they did, but yet to formulate a judgment of their own on each step of this momentous process; and, at each step, to give effect to their judgment in a very influential way—a way affecting, or that might affect, the whole outward state of the Church. I do not believe that such a plan could have led to anything but injurious embarrassments and complications, or could have failed to be a source of great danger. I don't think it could have ended in anything very different from the process actually adopted—which, you must remember,

beginning without the least planned or designed Erastianism, ended in that by a natural drift.

And I think it possible (which, perhaps, is as much as one ought to say) that—thrown on her own convictions and resources, embarrassed in a somewhat less degree with hosts of unsound converts, less subjected to the temptations arising from contact with the seat of power, and from a great worldly position, less petted and less persecuted—the Church might, perhaps, have not less efficiently worked out her mission, in its various departments of theology, and worship, and discipline, and pastoral care ; been not less useful to the State, maintained a relation to the authorities not less friendly and becoming, and been as frank and courageous, as high-hearted and successful, in bearing trouble when that came, and in confronting rulers of all degrees, and men of all ranks, with her testimonies and her rebukes. In short, subject to the qualifications already given, I see no reason to believe that Constantine might not have as wisely consulted for the peace, unity, welfare, and settlement of the Church, and for the Christianisation of the people and the State, if he had declined to take burden on the State for anything but friendship, protection, and the maintenance of justice and mercy.

Third period.

As I intimated at the outset, I pass over what I have described as the second division of my subject, and proceed at once to the third. I must pay it so much respect as to touch upon it, however briefly. I come then to the 11th century, when a remarkable period of European history was opening, and when the Popes, already great, and yet still hardly more than great subjects, were on the eve of that remarkable series of efforts which carried them to the highest pinnacle of their greatness.

Opening of
11th Century.

In most European countries the concussions of the preceding period had left a state of things in which evil abounded. On the one hand, the clergy—many of them secularised and demoralised—held in the name of the Church much power, territorial and political ; and, on the other hand, princes and great lords redressed the balance by methods of interference sufficiently coarse and unscrupulous. In particular, they took into their hand, as far as they could, ecclesiastical appointments, and the management of ecclesiastical property ; and they strove to turn all ecclesiastical things and doings to their own profit. It was an evil time ; and the evils called loudly for reform ; and reform was to be attempted.

A little while ago, I pointed out the importance of

the great conception of the unity of the Church, as it was understood, and came into operation in the days of Constantine. The same great conception acted forcibly on the situation with which we are dealing now; and it operated, in some respects, in a new manner. Europe had broken up into different monarchies, and in each of them the relations of Church and State might have been taken in hand, as a domestic question, to be settled within the realm. But then the unity of the Church—one through all these kingdoms—came into consideration; common principle ought to be recognised in all cases; the Church *everywhere* is interested in the right disposal of the case of the Church *here*. The Pope took ground as the representative of the unity, and as the supreme authority for the whole Church. Hence, the leading questions rising out of the situation became questions in which the Pope, outside of each particular kingdom, and drawing to him the support and influence of the whole Church, had to be reckoned with by each kingdom, and be either contented or defied.

Unity of
Church—bear-
ing on New
Situation.

It is to be observed that the very same influences which inspired the European mind, at the era we speak of, with a disposition to seek a better

Impulse in
European
mind.

state of things, were also those which rendered it possible for the Popes so successfully to assert their greatness. The general conscience awoke to the impression of a backward, ungodly, disgraced condition. Then went forth one of those strange tides of influence, leading to aspiration, hopefulness, and effort, which, from time to time, mark the history of men. You may call it an enthusiasm for, or aspiration after, a divine order in the world. This arose and wrought everywhere, and in a hundred forms; but everywhere, almost, it was associated with confidence in the Church, and with lofty conceptions as to what could be made of the Church. "Liberate, purify, energise the Church: give full effect to the ideas which the Church has consecrated, but which, alas, have sunk out of sight in recent practice!" That was not the whole of the movement, but that was near the heart of it. The Popes, then, set themselves forth as the accredited representatives of the very thing that was wanted—Church liberty, Church power.

Movement
which fol-
lowed.

Undoubtedly many of the Popes shared the impulse and believed in the idea: they did not believe in it the less, that it pointed clearly enough to a position and an authority that would make them as gods in the earth. Thus led, the movement went on with

power. The time that followed was undoubtedly a great time in its childlike and bewildered way. As Protestants, we see in it so much of the misleading and the injurious, we see mixed up with it so much of the self-seeking and fraudulent, that we are apt to regard it only with a cold and a condemning eye. For my part, I can never think of it without interest and sympathy. It was a movement which nursed many grand efforts and bred many noble men. And for a time all the noblest men were on the side of the Popes. That is why those remarkable Scottish kings of ours, the sons of Margaret, articulated their kingdom to the system of Rome, and brought in so plentifully the then new monastic orders. It was a great reform, so men thought, and was to lead on to a kind of promised land of truth and good.

Well, a great part of the work which lay to the Popes in this line of things, was to remedy the evils of the ecclesiastical State all over Europe; and, among other things, to bring the Church and the clergy out from that undue entanglement in the secular, and that undue subjection to the State, which had demoralised and paralysed them. To purify the Church and free it, that was the

Work undertaken by the Popes.

object. It was true enough: there was evil enough of these precise kinds in most European countries, which "craved amends." Whether any redress of those particular evils could be of much value, as long as those enormous misconceptions of Christianity continued to prevail, which lay then about equally on all minds, is a question I must not stir here. But the efforts at redress, in which the Popes took the lead, were fore-doomed to breed only new confusion in the end; and that from two causes at any rate. First, all Papal efforts and interpositions for the liberty of the Church, were designed to bring the Church into a dependence on the Pope himself, still more injurious and slavish than any they had been subjected to by the secular power. And, secondly, the Pope was as resolute to confound things secular and sacred as ever any Cæsar in the world could be; only, he worked the confusion to a different effect.

Papal claims.

This deserves a word or two of explanation. I had occasion to notice, in an earlier part of this lecture, that the State's regard for Christianity had early been expressed in the way of conferring on the Church property, immunities, and functions of various kinds not inherently pertaining to her, but believed to be

fitted to increase her influence and usefulness. The sound doctrine was, that the State could control or resume all these things as she thought fit. The danger was, that the State might make them the occasion or pretext of controlling the Church in matters in which she should be free; and that danger had partly been experienced. Now, the Papal doctrine was to apply to matters of this kind the same principles of Church independence which might reasonably enough be maintained with respect to the functions which Christ has committed to the Church, and which she is bound to exercise on her responsibility to Him. The Church had been in Egyptian captivity; and now, escaping out of Egypt, she was to carry all those spoils with her as her own. The history of such questions as lay investiture, taxation of the clergy, benefit of clergy, and many more, is just the history of attempts by the Church, as represented by the Popes, to oust the State from rights of control which belonged to its proper province, and to do so on the plea that these rights had passed, or been transferred, into the sacred domain of the Church. Those attempts were not always successful; but they were sufficiently successful to maintain, in every country in Europe, a large usurped dominion, from

which the just authority of the State was excluded, and in which a foreign jurisdiction, that of the Papacy, was supreme. And the effect, by way of natural and deserved reaction, was this, that the civil governments upheld their own side of the question, by taking as much power in the Church as each could get, with as little disposition to be barred by mere principles, or intrinsic distinctions between civil and ecclesiastical, as the Popes themselves.

Slackening of
the movement.

The great European movement which gave the Popes so much advantage in their enterprise, and contributed so much to the elevation of the Ecclesiastical State, slackened after some generations. Men's confidence cooled. The Church had become enormously rich and powerful, but certainly the Kingdom of God was not come. The turn of the tide is marked very well by the outburst of the mediæval heresies in the 12th and 13th centuries. They were the manifestation of disappointed hopes, which turned from the Church to look elsewhere. The power of the Papacy is usually said to have culminated with Innocent III. (about the year 1200); and, at all events, from the time of Boniface VIII. (a hundred years after) the Popes found it

convenient to arrange things with the monarchs, for Compromise.
the most part, on a principle of compromise or concession. In this way the State, or the prince, acquired some increased influence, but not on any clear or well-grounded principle, and not with any good effects, for the most part, on the condition of the Church. Meanwhile, in one department, the Church reigned, and continued to reign, absolutely supreme. Her sentence of heresy was conclusive, and the obligation on the civil power to follow it up with fire and sword was undisputed. On this point the State claimed no discretion. And when the Reformation came, while Reformation.
the Reformers, generally speaking, cannot be said to have adopted the principle of toleration, one thing which they did understand, and press with the utmost force, was the right and duty of princes and statesmen to judge for themselves what God called them to countenance ; and, in particular, to judge whether it was any part of their duty to follow up, in the ancient way, the judgments of heresy which Rome might pronounce.

But it is time for me to break off, however abruptly, and to draw this lecture to a close. These later features of the relation between Church and State interest us chiefly as belonging to the system

of things from which our fathers revolted at the Reformation ; and they are not so fitted, perhaps, to yield us any direct or obvious instruction. The earlier experiment, probably, has for us more material of sympathetic interest. I will wind up with one or two remarks which this survey has suggested.

Points to be
watched in
judging of
relations.

The first remark I make is that, in considering instances of relations between Church and State, we should accustom ourselves to examine distinctly the alleged benefit to the State on the one hand, and to the Church on the other, which is expected to proceed, or which has proceeded from them. Such arrangements are commonly looked upon in the light of benefactions to the Church, or to Christianity as represented by the Church. Now, the truth is, that the influence which Christianity and the Church may exert on the State is, at the least, as important as any that the State can exert in behalf of the Church. The question, how each can communicate to the other the greatest benefit, resolves itself really into this—How can each best contribute to promote the efficiency of the other for its proper objects, without violation of principles, and without injuring its own efficiency? That may be, to a large extent, a question of circumstances. It may also involve questions of principle.

For instance, on each side the question rises—What power do you concede to the other party, in accepting a given form of aid, or of co-operation ?

Again, it surely follows, from a careful consideration of instances like those before us, and, indeed, from the nature of the case, that, in acceding to a relation between Church and State, in which she becomes the State's appointed representative in the religious department, and the recipient of a standing provision on that ground, the Church concedes to the State a right, at least, of inspection and remonstrance—a right to be reckoned with at any step of which the State disapproves. Now, except in so far as the Church is prepared, on any occasion when it is needful, to drop the benefits conferred, and all that depends on them, for the purpose of following out her own views of duty, this right of remonstrance in the State will become a right of effectual objection and veto. The Church, I think, is bound to consider well on what terms she will concede so great and grave a position, with reference to the movements of her organic life, to any party, the State, or any other ; and she is bound to consider well, to what sort of State she concedes it, and what sort of use of it the State is likely to make.

What the Church concedes in agreeing to Establishment.

Lastly, whatever may be said of some particular

Great place
filled by this
alliance.

effects of this alliance, as it has been exemplified in time past, no one should be insensible to the great place it has filled, and the great influence it has exerted. By this, especially as exemplified of old, the conception of the absolute claims of Christianity to be received stood out embodied to the minds of men, in a great institution, in which the consent of the Commonwealth bore testimony to the mission of the Church. If the time has come, or is coming, for dismissing what now remains of strict State-Churchism in any country, I, for one, do not underrate the magnitude of the change from that which was once, to that which will be then. A great place will be empty ; and it must be the care of Christian men to provide for its being adequately supplied by other forms of influence and impression.

What worth of
it depends on.

But I hold that the worth of an established Church always depended on its being a real embodiment in this form, and the main embodiment, of the value and respect for Christianity cherished by the community. When that sentiment takes other embodiments, when the institution maintained can no longer be, even roughly, identified with the Christianity of the country, and when the relation in which it stands to the sentiment I refer to, as well as to political interests and

parties, has become a matter of debate ; then, in my opinion, it is deceptive any longer to impute to its continuance the influence and importance which, in other circumstances, it might legitimately claim.

More I will not say, for it has not been my object Conclusion. in this lecture to strain history for the sake of any special conclusion, or to make it advocate a special party project ; and, perhaps, I can close with no remark better justified by the survey we have taken than this—viz., that while theories, principles received, count for much in the history of the Church, the main impelling forces lie deeper. It is very needful to have light to guide the Church as to the forms in which her forces shall embody themselves in any age. But surely, also, it is most needful that the Church shall first actually be instinct with forces that crave embodiment and break out into action. Questions about Church and State become interesting and noble, in proportion as the Christian society burns with the faith of its proper character, its mission, its resources, its obligations, and is resolute to be true to its Lord and faithful to its work. Then it becomes interesting and important that so great a force should take the right and the best channels.

N O T E.

I HAVE purposely abstained wholly from adverting to any form of the theory which identifies Church and State. I have done so—*First*, Because that theory has no kind of pertinency to the periods I had to speak of; and to have alluded to it would merely have embarrassed the treatment, with no good effect to compensate for the disadvantage. I have done so—*Secondly*, Because the inapplicability of the theory in question to the problems of our own time is becoming so conspicuous, that it seems misleading to represent it as a serious alternative, or as having any great claim to be kept in view, except in instances where history presents it as embodied to some extent in actual arrangements. It would have been easy to shew that an application of it to the circumstances of the 4th century would amount, as nearly as possible, to a *reductio ad absurdum*. But this theory, although it has had highly respectable advocates—always, indeed, rather on speculative than on theological grounds—is probably now rapidly losing hold of the minds of all earnest Christians.

CHURCH AND STATE FROM THE
REFORMATION,

BY

LORD MONCREIFF.

PREFATORY NOTE.

WHEN I agreed to take part in this Series of Congregational Lectures, I had no intention of promoting in any way an agitation against the Established Church; nor had I supposed that my undertaking that duty could possibly be so construed. But, finding misconceptions afloat on that subject, I thought it right to make the disclaimer which is expressed in my opening sentences. Now, however, that the request has been made to me (and I very readily accede to it) that these Essays should assume a collective form, I feel that something more than a merely negative statement of opinion is necessary. I make my explanation reluctantly, for I had hoped to avoid contemporaneous controversy.

I do not draw from the history of the times which were the subject of my remarks the moral that the State Church should cease to exist in Scotland. As an adherent of the Free Church (I say nothing of the

political aspect of the question) I see no more reason for taking any part in an agitation against the Established Church now, than the leaders of the great body of the Free Church did in 1843. Provocatives to a different line of conduct were not wanting then, even if they are supposed to be present now; but the Free Church occupied a position at once dignified and influential, in standing firm by the principles of the lawfulness and expediency of a rightly constituted State Church, which our forefathers always maintained, and in resting the vindication of their position on their Claim of Right. They remained quite free, and are quite free now, to hold such opinions, and follow such course on the relations of the Established Church to the State, as may seem most likely to promote the general welfare; but I have found no cause to depart from the original ground, and I shall state shortly the impressions on which that opinion rests.

I have endeavoured to shew in my remarks that the theory or ideal of the Church polity founded in Scotland at the Reformation was not a visionary scheme, but was capable of vigorous practical

application, with perfect safety, both to the spiritual functions of the Church and the civil and ecclesiastical liberties of the people; and that, in fact, it had been so applied for a century and a-half before the Disruption in 1843. I have also shewn that the occasion of the obstacles it met with then and previously, did not arise from any defects in its own principles, but from the inroad of collateral influences, sometimes the merest trivialities, from without. Such was the import of the testimony which was taken in 1843. It was a protest for redress, and in no respect for destruction—a demand that the Legislature should repair the shaken foundations of the Church of Scotland. I do not think the prospect of redress is near in the present day; neither, on the other hand, do I think the result unattainable; but it is far too soon, in my opinion, for us with our own hands to render it impossible, and undo the work of 300 years. The public guarantees given by the Civil Government for the Protestant Faith, Presbyterian Church Government, and Evangelical Doctrine, whatever such securities may be worth, for the most part centre in the institution of the

Church established by law. I have no nervous apprehension in regard to any of these, but none of them are so far beyond peril that I would willingly renounce any of our safeguards, and liberate the Imperial Parliament from its obligations, unless better assured of what would come in their place. The adjustment of the new order of things would not be wholly or mainly in Presbyterian hands ; and it were difficult to predict what kind of fabric might or might not arise on the ruins of our Revolution Settlement and the Treaty of Union. For it must not be forgotten that changes of this nature are seldom confined in their operation to the object for which they were effected, but frequently find their main development in results the most unexpected, and sometimes in those which are least desired. It is impossible to root out an old tree without disturbing the soil round it ; and the abolition of the Established Church would bring with it many results, religious, public, and social, extending far beyond our subjects of controversy.

I only state my own impressions, and have no mind to dogmatise on these important matters, on

which I am aware that the opinions which I entertain are not shared by many for whom I have great respect. But, for myself, I prefer to remain on the old neutral vantage ground—to cherish the traditions of our fathers and the lessons of history, and leave it to time to unravel problems which we cannot and need not solve.

15 GREAT STUART STREET,

December 24th, 1877.

CHURCH AND STATE IN SCOTLAND

FROM 1560 TO 1843.

BEFORE commencing the discharge of the duty I have to-night to fulfil, I have one explanation to make with reference to the nature of the task imposed upon me. I understand this meeting to be a congregational one ; and that, in compliance with the request which was made to me, I am to address the young men connected with it. I have no intention of entering on any subject of present controversy, or the field of modern politics, whether civil or ecclesiastical. On the question of Disestablishment I have nothing to say ; and when I finish my remarks, I shall be as free as I was when I began, to hold what opinions, to follow what course, to express what views, I may think fit ; and to agree with any man, or differ with every man on that subject ; or rather (which is more likely to be the result) to claim to myself the right, on such a topic,

to shelter myself under my judicial robe, and abstain entirely from the controversies that may be raging outside. My duty is purely historical, and embraces the period from 1560 down to another era, nearer our own time, but still growing more remote every day—that of the Disruption of the Church of Scotland in 1843. I propose to deal with the topic of the connection between Church and State during this period historically; but, at the same time, the review I propose shortly to lay before you is not without its moral, and that a very serious and earnest one. I shall deal with these questions boldly, and whether they have, or have not, a bearing on the position in which we stand at the present day; and whatever that bearing may be, there is no reason why I should not, with all freedom, express my impressions with reference to the teachings of history.

There is a tendency, in our day, to think that our present age is far in advance of all which have gone before it, and to depreciate the intellects, learning, and acquirements of former times. I wish, at the outset, to warn my audience against that prevalent but shallow cast of thought. It is quite true that, as regards former times, we possess some advantages over them, as they did over

those which went before them. We have all the knowledge which they obtained, or, at least, the means of acquiring it are within our reach; while, in addition, we have all which we have learned on our own account; and, what is more important, the means of knowing, through the medium of history, the effect of the learning and the exertions of former times. Those who are so complacent about the advance which we have made in this 19th century may with profit ask themselves, How comes it that such is our fortunate lot?—so much more fortunate, as we think, than that of those who went before us;—and they may also add to their meditations this question, How should we have fared if our lot had been cast in former times, surrounded by perils and controversies, the conflict of arms and the conflict of opinion—perils and dangers on every side—dynasties rising and falling, and even social life and the domestic hearth not safe? How should we have done our part as they of old did, in laying foundations for posterity to build upon? I think, if people only compared themselves with the great heroes of former times, they would moderate to a considerable extent the complacency of which I have spoken. It may be

quite true, and is true, that the 16th and 17th centuries, which were periods of turmoil and disturbance, were behind in many of the arts of peace, in a great many of the acquirements of science and the refinements of modern society, of which we are possessed now. But to one study they were devoted, and that was the study of theology—the study of the relations in which the Church of Christ should stand—the relations of the members of that Church to each other, and of the Church itself to the State. These were the politics of those days, and on them the authorities of the 16th and 17th centuries are far beyond, in weight and importance, any that could be adduced at the present day. There was a maturity, a depth, an intensity, a thoroughness about their learning on such subjects, to which, without disparagement to any one, it would be difficult indeed to furnish a parallel in present times. The enormous erudition of Buchanan, the cultivation of Melville, the learning of Rutherford, Gillespie, Baillie, and their English comrade Selden, and of a great many more names not so well known, who devoted their lifetime to the study of the subjects of which I speak, it would be very hard indeed to equal; and it stirs my indignation and contempt to hear individuals

—with but comparatively a smattering of learning, who, if they had devoted their lifetime to the subjects in question, could never have come near the mark of these great men—speaking and writing as if these were not objects of admiration and reverence, to be treated with respect and gratitude.

I am to go back to the year 1560—a very suitable 1560.
topic for a Scottish audience—for in the year 1560 Scotland in one sense was born. Public opinion, the opinion of the commonalty, the existence of a free state, began for Scotland in 1560. Before that, the people were brave, warlike, wild, intractable; an intelligent race of men, respected, as they have always been, abroad as well as at home; possessing a strong, steady sense of independence, a pride which would not stoop, and a desire for the acquisition of knowledge, which they pursued throughout all Europe and under all discouragement. But, as regarded the nation, it was, on the one hand, a race of nobles, proud, it might be, but poor; and, on the other, a common people, who had neither education, nor position, nor power, nor influence. The Church—the Church of Rome—had degenerated into a most corrupt, inefficient, and scandalous body. The nation roused up in 1560; the Reformation acted as a spell;

and, from that day forward, they have become one of the most thoughtful, stedfast, thinking, intellectual communities in Europe.

Constitutional liberty was an unmeaning word prior to 1560. The spirit of constitutional and personal freedom has never departed from the nation from that day to this; and we may trace that feeling, one of the most elevating of which mankind is susceptible, with very clear and obvious footsteps, to the Reformation of 1560.

The Reformation in Scotland was a far more thorough operation than the Reformation as it was established in the sister country. It is distinguished by some clear and broad lines from that which took place in England. The Reformation in Scotland was the work of the people: the Reformation in England was the work of the monarch. My present object is to shew that, whatever may have been the vicissitudes through which it has passed, and whatever may have been the excrescences and defects in detail which have had a place within it, the constitution of the Reformed Church of Scotland was, as nearly as it could be, a perfect constitution for a Church in connection with the State. Of course, I am far from saying that the theory, however perfect,

has ever been fully carried out in practice. It has laboured under the dead weight of political influences; and, even when those lay lightest upon it, I cannot say that the discretion, or the wisdom, or moderation of those by whom the affairs of the Church were conducted, were always free from criticism. But of all the Churches which were established in Europe at the Reformation, the theoretical principle of the Church in Scotland comes nearer the ideal than any other with which I am acquainted.

The Scottish Reformation had two great advantages. The first was that it came later than that in England, and therefore the defects and weaknesses of that great movement had already shewn themselves in experience, and we were enabled to avoid them. In the second place, the Scottish Reformation had the great advantage of being substantially moulded by the strong hand of one great man—a man who, more than any other of his time, had an opportunity of watching the current of events, and seeing how, when moulded into the position and framework of a Church, the general principles of the Reformation might be most successfully and efficiently carried out: I refer, of course, to John Knox. I am not disposed, in any degree, to detract from the importance of the

Reformation in the sister country. I have the greatest veneration and respect for the men who carried out that great movement—many of whom, alas! sealed their consistency and their courage with their blood—and we are not to forget, because we do not in all respects agree theoretically or practically in the Episcopalianism of the south, that they did a great, noble, and notable work in the English Reformation. That many blots were left in that great work—that its general framework may be such that we prefer the Church polity to which we ourselves belong may be true;—but that is no reason why the men who, in evil and dangerous times, had the courage and the power to accomplish so great and good a result, should not have due honour from us. Still I think that it cannot be doubted that the Church of Scotland, as it emerged from the Reformation, was a far more symmetrical institution than the Church of England. The Church of England, as I have said, was reformed by the monarch; and the principle on which the organization proceeded, and the object at that time of those by whom it was regulated, was rather to leave things, as much as they could be left, as they were, rather than make innovations which were not absolutely necessary in the cause

of truth, sincerity, and consistency. Thus, although the Articles of the Church of England differ very little from our own Confession, the early English reformers were induced to retain, in their formularies and ritual, many things which might be supposed to be indifferent, expressed in words and phrases which were ambiguous, and which have borne in our own day unfortunate fruit. Their object, no doubt, was to reconcile the people who had been brought up in the Roman Catholic faith to the change which the Reformation introduced, and to make it easier for those without to come within the pale of the reformed institution. The Scottish Reformation avoided this error, and proceeded on exactly the opposite principle; and, I think, experience has proved that our forefathers shewed their wisdom in doing so. The leaders of our Reformation thought that where anything admitted of an interpretation inconsistent with the standards of the reformed religion, it should be, even though indifferent in itself, avoided. Had that course been followed in the sister country, we should have been spared a great many of the controversies of modern times; and there would have been much less ambiguity in expression and much less diversity in action, on very vital matters, than there has been.

This is not the place to trace in any detail the career of Knox. He was a man who would have been remarkable in any times, or under any circumstances. He was an educated and accomplished man—accustomed to life in all aspects, at home in all places, from palaces to huts—a man well qualified to lead mankind and for the task which he ultimately undertook. The Scottish Reformation was but a portion, perhaps not even the largest portion, of his work. Having been taken prisoner by the French at St. Andrews, he was for two years in the French galleys a prisoner. After that, he went to the Court of King Edward the Sixth, by whom he was made one of his chaplains, in which capacity he had no inconsiderable hand in the preparation of the Church of England Order Book and Liturgy. During those five years he preached in all parts of England. He was offered a living in London, he was offered the bishopric of Rochester; and, at the death of Edward VI., he was preaching to crowded congregations in Buckinghamshire, which he continued to do during the first half year of the reign of Queen Mary of England. Forced at last to follow many of his fellow-Protestants into exile, he became the clergyman of

the congregation of English refugees at Frankfort, and there he remained for two years, and was at last obliged to leave it by some controversies in regard to matters connected with the Church of England Service Book, which have a singular resemblance to some disputes at the present day. Political influence was exerted to compel his removal. Thence he went to Geneva, and spent four years in that place, where he made the personal acquaintance of Calvin, with whom he remained on terms of friendship to the end; and it was not till 1560, more than ten years after he had been released from his servitude in the galleys, that he came to Scotland and headed the Reformation. No man could have gone through these vicissitudes and alternations of prosperity and adversity, and seen the varied elements of society with which he must have been conversant, without becoming acquainted with all ranks of society, and with all public questions, whether ecclesiastical or political.

When he arrived in Scotland he found the Reformation already established. In 1560 the people threw off the yoke of the Church of Rome. It was a movement, not of ecclesiastics, but of the

whole people, from the highest to the lowest. In that year the Protestants of Scotland approached the Parliament and laid before them, for their approval, the Confession of their Faith, which received the ratification of Parliament. The next duty of Knox and his associates was to frame a platform of church order, and to establish the new institution of the Reformed Church on those principles which, indeed, he had learned to some extent both in his English experience and still more in his sojourn at Geneva; and to provide for the good order and management of the ecclesiastical fabric which it was proposed to rear upon the ruins of the discarded hierarchy. These were embodied in the work which is called the First Book of Discipline. The general principle on which the Presbyterian polity was established was that the Church should not be a mere corporation of ecclesiastics, but should be a thoroughly representative body, containing, within its judicatories, delegates from all ranks of the people. The First Book of Discipline is well worthy of attentive study. It was modelled upon the Geneva Order Book and the ecclesiastical institutions with which Knox had become familiar during his residence in Switzer-

land. It does not entirely shadow out what the Church of Scotland ultimately became, but it contains the broad lines of a true ecclesiastical polity, comprehending the elements of the influence and control of the community, combined with the powers, discipline, and authority, which are necessary to such institutions. Pastoral superintendence, evangelical teaching, thorough discipline; the popular element in all the Church Courts, from the local session up to the General Assembly; secular as well as religious education; schools, elementary and secondary, terminating with the universities; a thorough representation of the lay element in the General Assembly—are the general features of this great symmetrical and statesmanlike work. Knox was a man of large and liberal views; and, it may be, contrasts in that respect not unfavourably, when we look back, with some of his successors. He had seen Episcopacy in all its relations to the work of the Church; and although, notwithstanding his experience in the sister country, he preferred Presbyterian polity, yet he did not hesitate to recommend the appointment of district superintendents, who, without any lordly power over their brethren, should yet be responsible for the state and order

of church affairs within their territory. These were not bishops in the true Episcopal sense ; but Knox was not afraid to use this machinery from the apprehension that his loyalty to the Presbyterian cause should be doubted.

My main object, in the remarks which are to follow, is to illustrate the fact that this constitution was one under which it was quite possible to maintain a Church in connection with the State which, on the one hand, should not be subordinated to the State in any matters spiritual properly belonging to its function ; and which, on the other hand, should not give to the Church any lordly power of oppression which could interfere with the civil rights of the people. How far that great ideal has been realised it is my province to consider in the sequel. Meantime, I simply point out that there was a symmetry about the constitution of the Church, as Knox designed it, which was sufficient to demonstrate that the problem could be solved, provided other influences, which had no ecclesiastical features or elements within them, would only allow those broad general principles to have their fair and natural operation, and not hamper them by obstacles in themselves entirely foreign to their essential sphere.

The Reformation in Scotland began in turmoil, and continued through very troublous times. We now know Queen Mary better than she was known then. It is now quite certain that that interesting but unfortunate Princess had come to Scotland entirely under the control of the Roman Catholic leaders abroad ; and that, from the day on which she landed in this country to that on which she died in England, she had but one object, which she pursued with an amount of intellectual power, of tenacity, and of knowledge and learning, which would have been admirable in a worthy cause. Her main design was not merely to quell the Reformation in Scotland, which was but a minor object, but to dethrone Elizabeth, and mount the throne of England herself, to restore the old religion, and to root out the Huguenot heresy. Her letters to the different Roman Catholic leaders abroad have now been published with the intention of shewing to the world how staunch and loyal an adherent of the Catholic cause she was ; and we can now judge, much better than her contemporaries could, of the nature of that struggle which Knox had to maintain almost single-handed. The extent of his knowledge of continental politics, his communications with those in authority abroad, and his natural sagacity,

had taught him many things that even the great ruler of our country, the Regent Murray, and those at the head of affairs, were not altogether in a position to appreciate. At one time he was left almost solitary. The Regent had deserted him, believing that he was unreasonable; while in reality he had information which he could not disclose, but the truth of which he well knew, which impelled him to lift up a warning voice to his countrymen. This was the real source of those feelings of disappointment and mortification which are popularly supposed to have arisen in the mind of the Queen from the roughness and acerbity of the Scottish Reformer. But he was accustomed to courts as well as to the people; and, I incline to think, not only that his demeanour was consistent with his position, but that the Queen—herself a woman of great acquirements, highly cultivated, and learned even in the learning of antiquity—took pleasure in his society, and did all she could to win him to her cause.

The first General Assembly met in 1560. It was attended by thirty-eight members, of whom only six were ministers,—a very small beginning; but the day soon came when the best and highest and most power-

ful blood in Scotland were members of the General Assembly. I am not to follow the calamitous political events of the years between 1560 and the succession of James VI. James VI.
 That monarch was a very remarkable man, lived in remarkable times, and left a strong impress on the institutions of both countries. I have found, appended to a volume of Calderwood's History, some verses written by the king at a very early age, which seem to me to be a very remarkable index of his mind. They are written to illustrate one frame of thought, and then the moral is reversed in some counter stanzas by way of bringing the tone into a true and orthodox model; but I think the king's real character is very graphically expressed in the first series. They are as follows :—

The King's Verses, when he was fyfteene ycare old.

“ Since thought is free, think what you will,
 O troubled heart, to ease thy pain !
 Thought unrevealed can doe no ill,
 But words past out turne not again.
 Be careful, ay, for to invent
 The way to get thine own intent.

“ To play thyself with thy conceit,
 And let none know what thou doth mean ;
 Hope ay at last, though it be lait,
 To thy intent for to attain.
 Whiles let it break forth in effect,
 But ay let witt thy will correct.

“ Since fool-haste is not greatest speed,
I would thou shouldest learn to know
How to make virtue of a need,
Since that necessitie hath no law.
With patience, then, see thou attend,
And hope to vanquishe in the end.”

That is exactly the man. He has never been truly drawn by English historians. Succeeding to the Crown of England in 1603, he came with all the peculiarities, some of the virtues, and many of the defects of the northern portion of the kingdom ; but he was not the ungainly, silly, vain-glorious pedant which he has been represented to be by English pencils, and even by the great master of fiction in our own land. He was a strong-minded, strong-willed man—a man of great sagacity, far-reaching, far-seeing view, who knew men well, who knew how to make tools, and how to use them ;—a man of low type morally, but of a high type intellectually, although crooked and perfidious in all his doings : and during his day, in the middle of the most tumultuous and tempestuous times which Europe ever saw, he contrived to keep peace at home and peace abroad, and pursued his own objects with unrelenting and persistent energy. He had the talent to know that fortune comes to those who can wait for her ; and had he lived, the history of our country might

have been very different from what it turned out to be. Trained by Buchanan, he revolted in his maturer years from the principles of free government which that great man had endeavoured to instil into his royal pupil. What he longed and wished for was arbitrary power—such power as the rulers of the continent exercised—and he fain would have modelled himself on the kings of France and the Emperor of Germany, whose will their subjects never ventured to call in question. He hated the democratic element which Knox had welded into the Church of Scotland ; and hence the troubles which succeeded his reign, and the difficulties with which our forefathers had so long to contend.

It was not long before those elements shewed their ^{1572.} first indications. Knox died in 1572, twelve years after the Reformation had begun ; but he had seen the constitution of the Reformed Church placed on a firm basis of Parliamentary authority by the thorough legislation of 1567. From the date of his death till 1592 was a period of alternate depression and ascendancy on the part of the Presbyterian principles of church government. Knox was succeeded by Melville,—a man of great intellectual power, of wonderful cultivation and acquirement,—a man who

had been a professor on the continent, and whose reputation there as a scholar was hardly second to that of Buchanan. He was a man powerful in action, of great eloquence, great influence with men; but probably not of the same statesman-like sagacity and knowledge of affairs as the great Reformer whose mantle descended upon him. Between 1580 and 1590, the Second Book of Discipline was composed, which contains within it the completed platform of Presbyterian polity,—a more perfect and thorough work than the First Book of Discipline had been, and that on which to this day ecclesiastical government has been founded among us.

In 1584 the legislation of 1567 was reversed, Episcopacy was established, and much of the ground which had been gained had been lost. But in 1592 the aspect of affairs was again brighter.

1592. The memorable Act of the Scottish Parliament passed in that year is truly the keystone of the arch upon which the whole superstructure was built. A just appreciation of the true nature and principle of that adjustment of the relations of Church and State in Scotland is necessary, as affording a solution of some of the more perplexing incidents in the subsequent history.

This Statute, the Charter of the Church of Scotland, is well worthy of study. It was passed at a time when the King had incurred much popular discontent, and the Presbyterian party were strongly in the ascendant. It is intituled "An Act for abolishing the Acts contrary to the true Religion;" and contains, in the first part of it, a re-enactment of all the previous statutes made in favour of the Church, and especially those of 1589, which ratify all the previous legislation of 1567. It then proceeds to ratify Presbyterian Church Government by Kirk-sessions, Presbyteries, Synods, and General Assemblies; and "declares the said Assemblies, Presbyteries, and Sessions, jurisdiction and discipline thereof foresaid, to be in all time coming most just, good, and godlie in the self, notwithstanding whatsoever of Statutes, Acts, Canons, Civil or Municipal Laws maid on the contrair." The Act then proceeds to repeal various Acts of Parliament, and then proceeds thus:—"Item, the King's Majesty and Estates, foresaid, declares that the second Act of the Parliament, holden at Edinburgh, the 22d of May 1584, shall no ways be prejudicial, nor disrogate anything to *the privilege which God has given to the spiritual office-bearers*

in the Kirk, concerning heads of religion, matters of heresy, excommunication, collation or deprivation of ministers, or any sic essential censures, specially grounded, and having warrant of the Word of God."

It then proceeds to repeal an Act passed in 1584, providing that presentations shall be addressed to the Bishops, and, in lieu thereof, directs them to be addressed to Presbyteries, with full power to them to give collation thereupon, and "put in order all matters and causes ecclesiastical, within their bounds." The Act then concludes with these words, which have since become famous :—"Providing the foresaid Presbyteries shall be bound and astrictit to receive and admit whatsoever qualified minister presented by his Majesty, or other laic patrons."

Even without the light of contemporaneous history, it is not difficult to detect in this Statute a marked dissimulation. It acknowledges these matters of spiritual jurisdiction to be given by God to his Church. But it does not say so in direct terms. It says that a certain Statute shall not derogate from them. The censures which it professes that the Church have jurisdiction to inflict are those "specially grounded, and having warrant of the Word of God." And then, when

the subject of jurisdiction would seem to be concluded, it terminates with the ambiguous, but suggestive sentence I have quoted above. Nevertheless, especially when taken in connection with the Acts of Parliament of 1567 and 1589, the Act was understood, and reasonably understood, by the Church, to be a recognition by the Parliament of the privileges which God has given to the spiritual office-bearers of the Kirk “concerning heads of religion, matters of heresy, excommunication, collation, or deprivation of ministers, or any sic-like essential censures especially grounded and having warrant in the Word of God.” The legislation of the year 1567, which was ratified by the Act of 1592, puts the understanding of the Church beyond all question. The Statutes of that year, as I have said, were passed in concert between Knox and the Regent Murray—a man to whom the Church probably owed as much as to any of the great men of the period; and, whatever may be the ambiguity of the expressions of the Act of 1592, the meaning which they did, in point of fact, convey to the rulers of the Church and the country is sufficiently clear. As regards the Act itself, it will be observed that the terms employed

negatived the doctrine of the supremacy of the Civil Magistrate in the matters therein specified, and recognised those powers as divinely inherent in the office-bearers of the Church as such. The catalogue is a wide and comprehensive one, and extends to the whole range of the spiritual discipline of the Church, including all matters of doctrine, and the formation as well as the dissolution of the pastoral and ministerial relation. These things, the Act says, are not given by the State or the Civil Magistrate, but are given by God to the office-bearers of the Church ; from which it follows that no civil power can either command or prevent the exercise of them.

I do not say anything of the legal interpretation of the words of the Statute. That has been finally determined. But it certainly was understood by the Church at the time to embody the views of the spiritual independence of the office-bearers of the Church, for which they had long contended, and which had been clearly expressed both in the First and Second Books of Discipline, and had been ratified previously in 1567 ; and to negative the claim to Royal supremacy in matters and causes ecclesiastical and spiritual which was maintained in England.

Such was the foundation on which the Church of Scotland was built. But, it may be asked, was it safe to entrust powers so large and comprehensive to such a body of men?

I should answer—Certainly not, unless those office-bearers were, not nominally only, but really, representatives of the whole body of the faithful people. To an assembly of clerics, a corporation formed of the clergy alone, no such power could with any safety be entrusted; I say so, not from any undue jealousy of their high and influential functions, but because no such power should be entrusted in a free state to irresponsible hands; and the aggregate of the clergy do not constitute the Church, but form only one, although an important and essential element in its constitution. The Church, as designed by Knox and established by Melville, was no close corporation, but was a vast democratic institute, with a constituency as wide as the nation, and responsibility, from the highest to the lowest of its office-bearers, to a broad and vigilant constituency. The lay element in all the Church Courts—Kirk-Session, Presbytery, Synod, and General Assembly—out-numbered the clerical. Not the presbyteries only,

but the royal burghs also sent representative elders to the General Assembly; and we shall see in the sequel how powerful this representation was. As far, therefore, as the tribunals were concerned, I know of none the wit of man has ever devised to which such power might be more safely confided.

But then, it is said, if this jurisdiction is to be acknowledged in the office-bearers of the Church, as derived from a source other and higher than a civil power, how are the confines of each to be determined? Is the Church to be permitted to decide for itself its own limits, and to claim for itself exclusive power in all matters which it thinks fit to consider within its range? This, no doubt, as a practical question, is one of difficulty. In 1569 the Church made an application to the Regent Murray to have the boundaries of the civil and spiritual jurisdictions defined, and his response is recorded in the minutes of the General Assembly, to the effect that a commission would be appointed to that effect; and the commission was appointed by an Act of Parliament. As matter of theory, however, the solution is plain enough. Granted that the division between spiritual and civil is

theoretically accurate—that is to say, that the spiritual powers of the Church are not derived from the State but from a higher authority—then as the State, while it cannot take back or control that which it cannot give, can always resume or control that which it has given, the result of any such a conflict or collision would be, that the action of the spiritual jurisdiction would have no temporal or secular effect. As the spiritual sentence or action takes effect on the conscience, the civil sentence will operate on personal relations, freedom, and property; and, if reconciliation cannot be obtained, the separation of the two jurisdictions is inevitable. But the solution never can consist in the civil jurisdiction usurping powers which, upon this hypothesis, it has never received and never possibly can exercise.

Such then, theoretically, was the ecclesiastical fabric as it was received and construed by our early reformers. It seems to me to be more consonant with civil liberty, and to provide more thoroughly for efficient and judicious discipline within the Church, than any other system of polity of which I have read. It remains to be seen how it fared in the momentous times which were to follow.

Union of the
Crowns. 1603.

Historians agree that James VI. conceded this constitution very reluctantly. While the succession to the throne of England hung in suspense, he was unwilling to encounter any serious agitation at home ; and for four years the Church had peace both without and within, and was able to strengthen its position so thoroughly that the people have never swerved from that time to this in their devotion to its characteristic principles.

Impartially speaking, I will not say that the discretion of those who directed the affairs of the Church at that time was equal to their earnest zeal and their undoubted ability. They allowed themselves to get into personal collision with the king on matters affecting his court and household, which prudence might probably have avoided. But Melville, although a brilliant scholar and debater and an energetic leader, had not Knox's sagacity of character or experience of men. It was not politic, nor was it necessary, to irritate an unfriendly monarch by interposing, so early at least, in matters which might well have been left for a more convenient time. The result was probably inevitable under any administration of the affairs of the Church ; but those annoyances doubtless hastened and em-

bittered it. Before the end of the century James was again at war with the Church. He re-appointed the bishops ; he made them and their nominees perpetual moderators of the Church Courts ; he pursued with relentless animosity the individual leaders who gave him umbrage ; he transferred the right of collation to a Court composed of bishops, called the Court of High Commission, in defiance of the Statute of 1592 ; and at last, after his accession to the English throne in 1603, when his English crown was secured and he thought he might safely defy Scottish discontent, he reinstated in 1606 the Episcopal order by Act of Parliament, asserting at the same time his own right as sovereign to be the sole and only judge in all spiritual and ecclesiastical causes.

That these proceedings were directly at variance, not only with the recent Statute, but with his own most earnest and solemn professions, was a matter which weighed nothing with the king. He had banished the ablest men in the Church. He had successfully intimidated or gained over a large proportion of the clergy, and, above all, he had escaped from the vicinity of those troublesome ecclesiastics ; and, at a distance of 400 miles, could safely venture on

measures which it would have been dangerous to have promulgated at Holyrood.

1603-1625.

One element, however, he had not subdued, and of that he was quite aware. He had not made the slightest impression on the people. The Reformation, and the free preaching and reading of the Gospel, had lighted up in the minds of the population of this land a flame which burned the fiercer for the oppression of tyranny. So James went to work with his usual caution. In 1612 an Act was passed directing all presentations to be addressed to the bishops, repealing the Act 1592, and containing some important words which I shall refer to afterwards. Although the bishops were restored, the Church Courts still met, and no material outward change could have been noted in the frame-work of the ecclesiastical polity. The administration of ordinances and the forms of worship still remained the same. The clergy, to a large extent, acquiesced in what they could not prevent, and the people waited their time, which was coming, but had not yet come.

The period from the union of the Crowns to the death of James is one of the most dark and barren of Scottish history. There are but two great names which distinguish it—Drummond of Hawthornden,

and Napier of Merchiston. Some of the leading lawyers of that day, although little known to historical fame, were great and accomplished statesmen ; but I do not know of any name among the clergy, of any distinction or note, between that period and long into the century. How the affairs of the Church were conducted in that interval is left in considerable obscurity. My own impression is that, rightly estimating the real feeling of the community and dreading of all things any national turmoil or uprising, James was content to allow the minds of the people to be gradually familiarized to the terms of Episcopalian rule, without too rudely offending prejudices or stirring up the embers of the old Presbyterian zeal. And, accordingly, it was not until twelve years after the restoration of the bishops that he made his next move in the direction of the policy which he intended to pursue. The bishops, meanwhile content with the emoluments of their sees, were not specially anxious to engage themselves with much activity in the work of the Church ; and, excepting in the more important incidents of the period, allowed the clergy to go on much as they had done before. And so matters stood when, fourteen years after his accession to the

English crown, the monarch revisited his ancient kingdom in 1617.

1617. He was received, as is well known in history, with an exuberant outburst or affectation of loyalty, flattering on its surface to the monarch to whom it was addressed, but considerably belying the real sentiments of the people ; and, while it flattered the vanity, misleading to a large extent the sagacity of the king himself. Pageants and addresses from all quarters greeted the return of the sovereign. Drummond indited in honour of the occasion one of his most powerful poems. Disputations were held in order to exhibit the matchless eloquence and learning of the king, and the nation presented for the time the appearance of a loyal and devoted people. In the course of the next year, in 1618, a General Assembly was convened at Perth for the purpose of taking into consideration five Articles propounded by the king in regard to matters of Church order. The more considerable of these were one relating to kneeling at the sacrament, and another relative to the observance of the festivals of the Church. But the Assembly met them with great resistance. They were carried, but by no overwhelming majority ; and, while many of the clergy declined to vote, forty-five

ministers had the courage to record their dissent, notwithstanding the immense pressure which was brought to bear on the Assembly, and the certain indignation and retribution which were likely to descend upon them.

By that time two elements had begun to operate in Scotland in favour of the Presbyterian polity and worship, which, though not arising directly out of the original principles of the Scottish Reformation, were yet incidentally agencies of the most powerful description. The first was the jealousy created by the union of the Crowns. The removal of the court from Holyrood, the absence of all the pomp and state attending the presence of sovereignty, the impoverishment which necessarily grew out of the absence of the fountain of honour and reward, were very seriously and sensibly felt in the first twenty years after the Crowns had been united. An intense jealousy sprang up—a social jealousy—between the two nations. The English could not endure that the poor and proud Scottish nobility should share with them the favour of royalty. The Scots thought that all their best blood and treasure was drained by their southern rival; and, above all, they began to look upon the Episcopal forms of worship,

and its representatives within their own country, as a foreign invasion, alien to their feelings, and imposed upon them by the pride and power of their larger, richer, and more influential neighbour. Thus Prelacy, which had before been distasteful to the minds both of the higher ranks and of the populace, came to be looked on as a badge of their own national inferiority. In addition to all this, the public of both countries had come to see that the real object of the wily and treacherous monarch was to govern, if he could, without control from Parliament in civil matters, or from the Church in matters spiritual,—in short, that what they had to fear and guard against was a general invasion of the rights of the people, in regard to their civil liberty and their ecclesiastical privileges.

Whether James had sufficient discernment of the signs of the times to read something of this kind in the minds of his northern subjects, it is not easy to say; but certain it is that, from 1618 until his death in 1625, he made no further attempts to control the action of the anomalous and hybrid constitution which he had bestowed on his Scottish subjects in Church matters, or to make any further inroad on the principles and practices which the

Reformers had handed down to them. He left to his successor a legacy of a policy deep, dissimulating, and treacherous, but not the less sedulously and carefully prepared; and fitted, in hands able to carry it on, to have produced results very dangerous to the liberties and security of the whole empire.

He died in 1625, certainly not regretted by his subjects in either end of the island, and not without suspicion of his death having been hastened by poison. The sceptre descended to his son, whose far feebler hands and more irritable brain were wholly unable to sustain the weight of the policy of his predecessor. I cannot stop here to draw, in any detail, the character of Charles I.; but he seemed to combine all the qualities likely to throw a disaffected nation into turmoil and revolt. His counsellors and friends were those who had risen to power in the former reign, and he started with the design of carrying out, to their fullest extremities, those inroads on the liberty of the subject and of the Church, which his father had spent a lifetime in undermining. But the strong hand of James had contrived, in a period of great excitement and great difficulty, to effect such results as followed in his reign without even

a threatening of popular commotion. Before Charles had well assumed the reins, his utter inability to control the dangerous elements with which he had to work became quite manifest. Up to the death of James no change had been operated in the ordinary forms of Presbyterian worship in Scotland. The Five Articles of Perth had no doubt laid a foundation on which something, he expected, might be built; but he had never had the rashness to propose to introduce the English Church Service into that country. Meantime, no General Assemblies were convened, and the country went on in a state of hidden ferment, with very combustible materials ready to take fire whenever a spark was applied to them; while the king, intent only on the object which he wished to accomplish, pursued it with an open and headlong candour, which very soon produced its natural fruits.

1637. At last, in 1637, believing that everything was ripe, he directed that a Church Service, prepared for the purpose, should be read in all the churches. The result was the beginning of a memorable conflict, which did not end for fifty years. On the first attempt to impose this Liturgy on the congregation of St. Giles, in Edinburgh, where the memory of

Knox still remained green, such a tumult arose as rendered the repetition of the experiment entirely hopeless, and brought out at once, as if by a spell, the long-cherished and pent-up feelings, not of the populace only, but of all ranks and classes of the country. I do not resume in any detail the narrative of those great and stirring events; but the attempt which was thus made to impose upon the people forms and ceremonies which they had finally repudiated and rejected, led to the signature of the Solemn League and Covenant in the Greyfriars' Churchyard, to which stand appended the signatures of the most powerful nobles and landowners of the nation. They took their position manfully and gallantly; and the king, after a very short period, appeared to yield all that they demanded. An Assembly was convened in 1638, which was attended by the commissioner of the king, and which immediately addressed itself to the task of reforming and re-constituting the old Presbyterian polity. Archbishop Spottiswoode said, when he heard of this disturbance, "There go at one blow the efforts of thirty years."

There is much instruction to be gathered from these events. They never could have happened had it not been that, under all the specious disguise of

a quasi-Episcopal Establishment, the mind of the people remained firmly rooted in the principles, forms, and worship which they had been taught at the Reformation. And it might be well that the lesson were learned even in our day. The forms on the surface are but little, compared to the intelligent belief and associations of the community. The former may be long submitted to, in apparent quiescence, while the fire burns strong and hot below. Want of leaders, want of cohesion, want of opportunity, may long repress the impending outbreak; but rulers would do well to consider, not merely what those in ostensible authority at the head of affairs think fit to recognise or sanction, but how far their views and principles and tendency are in accordance with those whom they undertake to rule, and in whose hands ultimately the true elements of power must necessarily reside. Thus was overthrown, and substantially in one day, that fabric of long-continued hypocrisy and deceit, which commenced in 1596.

1638.

The Assembly of 1638 was attended by all the most powerful of the nobility and gentry of Scotland. Among those who attended it for counsel and advice were such names as those of Argyle and Lauderdale,

and, among the representative elders, the names of Montrose, Eglinton, Cassilis, and many others of the nobility, were found.* Lord Rothes was the commissioner, and between him and the Assembly were various impetuous passages, and he ultimately withdrew ; but the Assembly proceeded, in their work of reformation, to repeal all the Acts of the six last General Assemblies, and to bring back the polity of the Church to the platform of 1592. They abolished and deposed the bishops, and summoned them to answer to the Assembly, which several of them did. There was some demur, as we learn from Baillie's Letters, in regard to the absolute abjuration of Episcopacy,—such Episcopacy, namely, as was supposed by some to be found in the Superintendents under the First Book of Discipline,—but in the end the knot was

* “When, with great difficulty, we were set down, the Commissioner's Grace in his Chair of State ; at his feet, before, and on both sides, the Chief of the Council, the Treasurer, Privie-Seall Argyll, Marre, Morray, Angus, Lauderdale, Wigton, Glencairne, Perth, Tullibardine, Galloway, Haddington, Kinghorn, Kinghorne, Register, Treasurer, Depute, Justice-General, Amont, Justice-Clerk, Southesk, Linlithgow, Dalzell, Dumfries, Queensberrie, Belhaven, and moe. At a long table in the floor our Noblemen and Barons, Elders of parishes, and Commissioners from Presbyteries ; Rothes, Montrose, Eglintoun, Cassills, Lothian, Weemes, Loudon, Sinclair, Balmerinock, Burghly, Lindsay, Lester, Hume, Johnstone, Keir, Auldbar, and few Barons in Scotland of note, but were either voters or assessors.”—Baillie's Letters, i. 123.

cut by simply abrogating and repealing all that had been done during what they deemed the corrupt period of the Church, and restoring it, in all its integrity, to the fabric as reared by Knox. This was followed in 1640 by an Act of Parliament rescinding and repealing all the Statutes passed since 1592, and ratifying in the fullest terms the constitution of the Church as fixed by that Act. I forbear to dwell on the details of this measure, because the events which followed in rapid succession have thrown the mere legislation of the time into the shade. These events kindled a flame much stronger and wider than the king ever reckoned for. The civil war broke out after a slight interval, and ended by the ill-fated monarch losing both his crown and his life. No one can read the story of those times without unfeigned commiseration for the career and the fate of Charles I., who, as crooked as his father in his political paths, had probably more honest devotion to his ends, with far less power of attaining them; and who, if his tortuous and shifty action brought down upon him his ultimate fate, bore his reverses with a dignity which his predecessor would never have commanded. Nevertheless, it was in that crucible that the fortunes and future of this country

were distilled ; and, had the issue of the conflict been otherwise, this island would never have been the haven and refuge of the free.

One event, however, occurred in the course of the twelve years between the Assembly of 1638 and the Restoration of Charles II. which has borne very large and important fruit,—I mean the Westminster Assembly of Divines,—a conference of men whose persons and work have been the subject of probably more cavil and contempt by unintelligent and unthinking people than any which has met within the last three centuries, but which in truth was composed of some of the most learned, the most accomplished, the most distinguished men which perhaps this island ever produced, and which has left, as a legacy to us, very precious results of their long and most important labours. It will be long before England produces a scholar with the versatility and European renown of Selden ; and I do not think I disparage my countrymen much when I say that it would be difficult, at any subsequent period of our history, to single out three names equal in theological learning and power to those of Henderson, Rutherford, and Gillespie. It has pleased historians, whether writing from the

Westminster
Assembly.

Liberal or the Tory side, to set light by their labours ; but the Westminster Confession of Faith, and the Westminster Catechisms, will remain as a marvellous result of biblical learning, dialectic power, and statesman-like sagacity and prudence.

It is no part of my present object to enter upon the question which is so largely mooted in our day in regard to Creeds and Confessions. At the same time, a Church without standards is a rope of sand. In the Church, as in all other confederations, there must be some tangible bond of union ; and a Church which should ride entirely loose of all moorings, and admit of all inconsistent, and therefore unintelligible doctrines, would very soon be reduced to the condition of disintegration and incoherence which my metaphor implies. Many, now-a-days, seem to think that the Westminster Confession of Faith claimed for itself some Divine right, some occult and mystical power, in addition to the authority of Scripture. There can be no greater delusion. The Confession is composed of propositions distilled by great care and marvellous learning, as the results of the only standard of truth which the Reformed Churches have ever acknowledged. Like all other human productions, it is liable to error and

open to correction. Its authors only profess to represent with faithfulness that which the inspired record teaches; and though they deal with subjects most solemn and most profound, they do not do so without stating step by step the authority on which their results are based. The shallow sciolistic spirit of the present day thinks that a great triumph is achieved, and a strong rent made in the fabric of the Church, if, in these elaborate and logical deductions, some flaw can be found or imagined. That such may be, the authors of those works fully contemplated. That such are, I am not sure that even the most acute of the cavillers I refer to have ever demonstrated. But of this I am quite sure, that they embody in a succinct, lucid, and practical shape, the great truths of Protestant belief in a way which not only evinces the profound erudition and sagacity of their authors, but which, in its substance, has stood, and will long stand, the test of practical experience.

The three men I have mentioned—Henderson, Rutherford, and Gillespie—were the great representatives of Scotland in that Assembly. They took a large and weighty share of the work. They were in no respect fanatics, or uncultured enthusiasts. No doubt they were men of strong and vehement

views, and wrote as they thought. But I am quite sure they addressed themselves to their task with a learning which has never been surpassed ; and, on the field of the dialectics of theology, they left very little indeed for their successors to add to or to learn.

Common-
wealth, 1650.

I pass over without remark the attempt which was made in England to institute Presbyterian Church government in that country, and the entire failure of the scheme by the rise and usurpation of Cromwell. The Church and the State, for the greater part of that period, had no real relations of any permanent kind. Cromwell, on his usurpation, abolished all the Church Courts, in accordance with his own principles of independency ; and, although the leaders of the Presbyterian party in Scotland in 1640, whether lay or clerical, were unquestionably men of great mark, I cannot say that the ten years between 1650 and 1660 were by any means distinguished by practical sagacity or the presence of a master-hand. Henderson, the greatest of the three, had died long before. Gillespie also died early ; and Rutherford, whose work I have alluded to, only escaped martyrdom by his death a short while before his book, entitled *Lex Rex*, was directed to be burned by the hands of the common hangman after the Restoration.

Time went on, and Charles II. rode back to the capital of his kingdom as gay, as thoughtless, and as bigoted as if he had never learned in the school of misfortune, or bound himself by the most solemn oaths to the Solemn League and Covenant, and the purity of Presbyterian polity in Scotland. I need not recal to your minds just now—it tells little for my immediate object, except to point a very obvious moral—the persecutions of that time, the fact that between 300 and 400 ministers of the Church were compelled to abandon their livings; the bitter, senseless, stolid persecution which the people suffered for their adherence to the principles of the Reformation, and the not less stolid adulation which has been lavished upon the authors of those cruelties in these happier days. It lasted for nearly twenty years, but all the world might see that the fabric of the Restoration was built over ground which was mined at every step, till at last the infatuation of the dynasty arrived at a climax, and it was terminated by the Revolution of 1688. Restoration,
1660.

The relations thus of Church and State in Scotland from 1596 to 1688, although reaching over nearly a century, are, in point of fact, only an episode—a perpetual struggle on the part of the monarch for The Revolution,
1688.

supremacy, and a perpetual struggle on the part of the people for freedom. Civil supremacy in England, ecclesiastical supremacy in Scotland, were the objects for which James I., Charles I., Charles II., and James II., Laud, Hamilton, and Strafford, had spent their energies. The game had failed—it was irrevocably lost—and in 1688, or rather in 1690, the Church of Scotland again placed its foot firmly down on the Act of 1592, and again rested upon the broad lines marked out by Knox and Melville.

I have passed over with little remark what was a very interesting and romantic portion of the history over which I have travelled—I mean the struggles of the Covenanters, both under the Protectorate and the Restoration. Dr. Lee, in his interesting two volumes on the History of the Church, expresses a sentiment, in which I entirely participate, that the history of the Covenanters has never been written as the importance of the body itself, and its achievements, deserve. They have generally been looked upon as a somewhat uneducated, rude, fanatical body of the lower orders, and people seem to contrast them with the better birth and better manners of the Royalists. I believe there is in all this a very

great delusion. It is true that, in the latter part of this period of twenty years, most of the higher families had ostensibly, if not sincerely, conformed to the tyrannical government, which they could not resist. But the inception of the Covenanters embraced the largest portion of the upper ranks, and the whole body of the people. Whatever of birth, of culture, of manners, and of learning or intellectual power, Scotland could boast, was at that time unquestionably to be found in the ranks of the Covenanters.* Some, indeed, fell away from them. Montrose, who was found in their front rank in 1640, drifted by the course of events into a keen opponent ; and Lauderdale, one of the most powerful of their body at its beginning, had the infamy of playing the oppressor and the tyrant in the ranks of the very men against whom he had been one of the foremost in the con-

* The following list of the Scottish Peers who were, as ruling elders, included among the members of the Commission of the General Assembly in 1647 corroborates my statement :—"Archibald, Marquis of Argile ; John, Earl of Crawford ; Alexander, Earl of Eglinton ; William, Earl of Glencairne ; John, Earl of Casilis ; James, Earl of Home ; James, Earl of Tullibardine ; Francis, Earl of Buccleuch ; John, Earl of Lauderdale ; William, Earl of Lothian ; James, Earl of Finlathour ; William, E. of Lanark ; James, Earl of Callendar ; Archibald, Lord Angus ; George, Lord Birchen ; John, Lord Yester ; John, Lord Balmerino ; James, Lord Cowper ; John, Lord Bargany."

test. The subservient spirit which the Restoration produced—the reaction against Puritanism, and, indeed, against any earnest profession of personal or evangelical religion—has not been without its effect in leading historians of all parties to under-rate and under-value these men. Of course, I cannot stop to fill up even in outline a blank in our Scottish history ; but I believe the materials for it are ample, and he would deserve well of his country by whom the task of writing a history of the Covenanters should be successfully performed.

One other remark must be made on the men of those times, and it is an observation which applies to the whole of the period with which I have to deal. There were no such things in those days as un-established and dis-established churches. Questions of that kind are the fruit of toleration, and toleration was a virtue unknown to any of the contending parties. Conformity was enforced by law, and dissent was suppressed by persecution. One can see in the nature of the times how difficult it was for those on either side to adopt our more modern view of the principles of toleration. When conformity meant politics, and politics meant personal safety, toleration came to mean arming your enemy with weapons to be used

against yourself, and he who received it at your hand this year, might, when his turn came, refuse it to you in the next. One of the great causes of complaint during the ascendancy of the usurper Cromwell and the Independents, was his allowance of toleration; and Rutherford, to whom I have already referred, wrote a book for the purpose of denouncing and condemning the doctrine. It was not until far into the next century that the true principles of toleration were reached; but, we shall see how they grew, and how in the end they were the true and legitimate offspring of the strong soil of Presbyterian Church Government.

Of the Statutes passed during the Restoration I shall name only one, although there were some others not without their interest in the question we are now considering. That to which I refer is the Statute of 1662, rescinding all the previous Acts of Parliament favourable to Presbyterian Church Government, which denied the prerogative and supremacy of the king in matters ecclesiastical. This Statute singles out the Act 1592, describing it, in terms not to be mistaken, as a Statute which denied the prerogative of the king, and asserted the right of the office-bearers of the Church to be the sole judges in matters ecclesi-

astical and spiritual, as a right derived from the Divine Author of our religion, and one with which the civil magistrate could not interfere. This fact is quite conclusive as to the meaning which the Act 1592 was understood to convey.

1690.

We have now arrived at the period of the Revolution Settlement; and, from that time forward, we breathe a freer and more peaceful atmosphere, and find the whole tendency of public, political, and ecclesiastical thought softened and mellowed, after the distractions and divisions which had prevailed during the greater part of the century. There is little more dignified in history than the attitude of the Scottish people on the accession of William and Mary. The Declaration of Right is a document worthy of that great occasion. Free from enthusiasm, fanaticism, or violence of any kind, it states with gravity and force the rights of the nation which had been so long denied and so recklessly violated. The answer of the king was calm, temperate, and firm; and the history of the year 1689 affords many materials for interesting narrative. William of Orange was by no means resolved as to the course which he would follow in Scotland. He had been pressed by some of the more important of

his councillors not to abolish Episcopacy in this country, and had been warned against the Presbyterian polity as inconsistent with the loyalty and good order which he desired to establish. Fortunately, however, he took the aid of better advisers ; and to Principal Carstairs, one of the ablest men who ever took part in the ecclesiastical affairs of the Church of Scotland, we owe it that the question of Church government and doctrine in this country was so peaceably and satisfactorily settled.

The king's message to Parliament stated that he would establish such form of Church government in Scotland as might be most suitable and welcome to the feelings of the people of Scotland. The Declaration of Right had already stated that Prelacy, or the superiority of any ecclesiastic above presbyters was a grievance which ought to be abolished ; and, accordingly, in the Parliament of 1689, several bills were introduced for the purpose of arranging the order of Presbyterian Church government, and settling some of the most important and prominent questions of the day. A reference to the minutes of the Parliament of 1689, which are given at length in the Appendix to the folio edition of the Scottish Statutes, shews with what care and deliberation the Scottish Parliament ad-

dressed itself to this great and important work. There will be found there the course which the bills ran in committee, the various amendments which were proposed, and the reasons for their adoption or rejection. It is clear that all the questions which have arisen in our later times, in regard to matters of church order, were fully present to the minds of the Parliament. In the end, the Act of 1690 was completed and passed. It embodied within it the Westminster Confession of Faith *ad longum*. It restored all the Statutes in favour of Presbyterian Church government. It repealed all the Statutes from 1597 downwards, which were inimical or repugnant to the principles of that polity; and it terminated with a reservation of the question of patronage, which was to be the subject of another Statute. And so once again was the Presbyterian system renewed in all its integrity, and drawn back to the model which a century ago Andrew Melville and his coadjutors had been successful in establishing.

1690.
Patronage.

The question of patronage alone remained, and by another Statute passed in that year lay patronage was abolished. The right of appointment of ministers devolved on the heritors and kirk-session of each individual parish, who were to propose to the people

a candidate to be approved or disapproved, their reasons to be judged of by the presbytery, whose decision was to be final. Compensation was made to lay patrons out of the tithes ; and thus was excised, from the body corporate of the Church of Scotland, that which had previously been a long and grievous source of altercation and dispute. The last clause of the Act 1592, which I have already referred to and shall have to refer to again, was thus entirely removed from it, and the constitution of the Church stood on the declaration contained in that Statute,—that all the functions and powers therein enumerated had been bestowed by God on the office-bearers of the Church, and that these included not only the preaching of the Word and the administration of ordinances, but both the collation and the deprivation of ministers.

The subsequent history, within the limits which have been assigned to me, was certainly not without its share of turmoil and discord. The Presbyterian polity had its own times of difficulty and popularity, lethargy and energy ; but I venture to say that there never was a period in the history of any Church in which the two co-ordinated powers of the civil and spiritual tribunals worked on the whole

in greater harmony, or gave rise to so little friction. Those who imagine that the permission or the recognition of an entirely independent spiritual jurisdiction in a Church is dangerous to civil liberty, or that it is impossible for a Church to be so constituted in connection with the State as to enjoy and exercise its spiritual freedom, would do well to study the history of the Church of Scotland during the 150 years that elapsed before 1843. I am very far from saying that its relations with the civil magistrate were always of the most satisfactory or the most salutary description. Politics, personal ambition, the intrigues of party, the disaffection of some and the disappointment of others, all contributed from time to time to weaken its action; but these were mere incidents. They were not the necessary results, or indeed the results in any way, of the Church's independence. They arose from other causes, and had other ends in view. But what I think the student of the history of this period of a century and a half will find is, that the independence of the Church, which it did exercise in all causes spiritual and ecclesiastical during the whole of that period without interference, was in the main exercised with prudence, moderation, and discretion; while, on the other hand, on no single occasion

of which I am aware, did the civil power interpose to prevent the full and free discharge of their spiritual duties on the part of the officials of the Church. Individual instances of high-handed administration within the Church of course there were, but these do not weaken the observation.

The General Assembly, which now met year by 1690-1711. year, was at first in danger of being influenced by a variety of motives and passions which the troubles of the preceding reign rendered inevitable. Smarting under the persecutions of that time, and the terrible amount of injustice and oppression which had roused the fury of the nation, a considerable proportion of the clergy of Scotland, and indeed of the people, were for strong and harsh measures in regard to their opponents. Nor was it without great difficulty that the prudent and moderate councils of the king contrived to settle the new order of things without any attempt at reprisals. In this he was supported by the prevalent majority of the Assembly. But the course of its proceedings did not run altogether smooth ; and we find in 1694 the commissioner of the king and the Assembly came into direct collision on the question whether the king or the Assembly should direct and indite the period for the next General

Assembly to meet. There is an interesting account of this given in a note appended by Principal Lee to the reprint of the Acts of the Assembly of 1694. But the real topic on which the king and the Assembly were not quite at one was the proposal to receive the clergy who had conformed to Episcopacy in the late reign, on condition of their acknowledging the Confession of Faith and the Revolution Settlement. This was the subject of a royal message, and ultimately the Assembly agreed substantially to comply with the wishes of the king ; and Acts of Assembly were passed from time to time, not for the purpose of retaliating on their ancient opponents, but of endeavouring, if they could, to absorb them within the Church. And so matters went on smoothly and pleasantly enough until the death of King William and the accession of Queen Anne.

The Legisla-
tive Union.
1707.

By that time the Jacobite spirit had begun to cause uneasiness in the northern part of her dominions. Public attention was engrossed by a matter of the greatest national importance and interest, which had more than once occupied the attention of the rulers of this country since the union of the Crowns. It was the incorporating Union of the two kingdoms. James I. had planned it in

1604, and Cromwell partially carried it into effect; but now the work was begun in earnest, and this matter of the Union occupied the minds of statesmen in Scotland for a long period of agitation and suspense. But, before the terms of union were subscribed, the Scotch commissioners insisted upon the passing by the Legislatures of both countries of the Act of Security, which provided for the security of the Presbyterian Church government and worship in Scotland, and contained a provision that it shall “in no way and in no respect be in the power of the united Parliament to alter or infringe” upon its constitution. A more solemn pledge was never given than that which was given by the Parliament of England when it passed the Act for the security of the Church of Scotland. It was a wise measure for our forefathers to take, because the inferiority of numbers on the part of the representatives of Scotland would necessarily leave them entirely at the mercy of the English majority; and the one thing which they stipulated the English majority should not do was to alter the constitution of their Church in any of its particulars.

The Act of Union was passed; and, before four years were over, the councillors of Queen Anne, who were much in the Jacobite interest, and not indis-

1711.
Patronage.

posed to pave the way for a return of the exiled family, brought into Parliament, in March 1711, a bill for the purpose of restoring patronage. This was directly in violation of that solemn engagement, on the faith of which alone the union of the kingdoms was ever passed; and, conscious that it was so, it was thought by the Government necessary to hurry it through as rapidly as the forms of Parliament would permit, at a time when communication with this country was difficult enough, and when it was impossible to summon the General Assembly to take counsel on the matter. What the Church could do it did. The Commission of the General Assembly met and resolved upon the strongest remonstrances to the Queen and to the Lords and Commons, stating, in language which, had I time, it would be interesting to read, the peace and prosperity which the Church had enjoyed since patronage was abolished twenty years before, and pointing out in prophetic language what heats and dissensions would necessarily arise if this insidious measure were allowed to pass. Pass, however, it did, and that without the Church having had any opportunity of representing their views or their indignation. And so the first blow was dealt at the constitution

thus solemnly guaranteed ; not, I believe, at all from any want of determination on the part of the English to act up to the rights which they had thus warranted, but because they were absolutely ignorant of the nature of the measure which thus crept into the Statute-book.

In one view the passing of this measure was of very great moment, at least in the light of subsequent transactions ; for the Act of 1690 had entirely abolished patronage, and with patronage had entirely abolished the last clause of the Act 1592. No one could by possibility from that time forward have drawn the inference from the words of that Statute, that the spiritual jurisdiction of the Church was not, and was not meant to be, in all respects absolute within its own range ; and if the effect of the Act of 1711, restoring Church patronage, was in point of fact to restore that provision at the end of the Act 1592, and if that provision had any effect whatever in limiting the spiritual jurisdiction of the Church, there can be no doubt that the passing of the Act was a very base and flagrant breach of faith, and one entirely inconsistent with the very fundamental principles upon which the union of the kingdoms rested.

I must carry on my sketch, however, without much 1711-1830.

further detail. The history of the 18th century in regard to the religious condition of Scotland, as indeed in regard to everything else, was one of lethargy and mediocrity. Languor had replaced the stirring times of the century before; and, in this country as in France, there succeeded an age in which earnestness and enthusiasm were ridiculed, and a flat and tame and listless spirit supervened on the vigorous intellects of 1640. The Church, as I have said, was not free from the general depression. In regard to patronage, it seems pretty clear that, notwithstanding the passing of the Act of 1711, it hardly assumed the nature of a grievance for the first half of the century. Most of the patrons belonged to the dominant Church, and were willing enough to leave the settlement of the parishes of which they had the patronage to the jurisdiction of the Church; and those who were Nonconformists probably were not desirous of encountering the keen susceptibilities which, always in Scotland jealous on this subject, had been rendered infinitely more sensitive by the perfidious manner in which this Statute had been passed. So it was that we find that at the next important stage, in 1736, at the period of the Original Secession, one of the grievances of which the Seceders

at that time complained was not patronage, but the fact that the Church was in the habit of settling parishes at the call of the heritors and elders, and had allowed the voice or choice or assent of the people to fall into desuetude. There is no doubt that ease and comfort and ascendancy had, to a considerable extent, modified the vigour and energy of the Presbyterian party. Corruptions crept in without being checked. Insensibly, Jacobite principles and feelings began to have a certain operation on the habits and manners of the clergy. Lax discipline began to prevail, and evangelical preaching to become cold and formal as it graduated into mere moral maxims. Even heresy was not rebuked. These things I fancy the student of those times can hardly fail to discover by the traces which they left.

In 1736 an event of great importance took place: the Secession of the five ministers in 1736. Its causes were rather general dissatisfaction with the prevalent habits and spirit of the Church, than any specific cause of quarrel. I cannot say that in looking over the "Testimony" of the Secession, while there is a great deal which commends itself to our modern notions, there are not some

1736. The
Secession.

things which would hardly be the subject of protest or even of discussion now. I do not propose to trace the ultimate results of that remarkable event any further at present ; but it is enough to say that, during the rest of the century, while the Church of Scotland grew colder and colder, less earnest, less vigorous, and more latitudinarian, the young blood of the Secession kept alive the evangelical spirit in Scotland in the hearts of the people ; and, in many a parish where the negligence of the times had starved the flock, they kept burning brightly the true evangelical spirit of Gospel preaching.

While this unquestionably was the dominant spirit of the majority of the ruling leaders in the Church, I should not presume to say that, notwithstanding the defections and frigidity of much that we find in the actions and words of the Church during the last half of the last century, the old vital spirit was not strong within her borders. There were men in those days well worthy to succeed to the heroes of the century before. But gradually patronage, instead of remaining, as it had been during the first half of the century, little more than a name, began to be a very oppressive and intolerable reality. The element of the assent of the people in the formation of the pastoral tie, which, so

far as my reading extends, I think never had been absent in the settlement of a minister under Presbyterian Church government, began to be wholly disregarded; and the consequence was that the Church was filled with many unacceptable and inefficient ministers, and that gradually the people found their way out of the Established Church into the arms of evangelical dissent. But the elements of revival were all there, and they only required some potent wand, some strong word of command, to bring them once more into operation.

Gradually the patrons themselves brought about the desired result; and some of the more eminent members of the evangelical party in the Church, despairing of accomplishing their object by mere contention in the Church Courts, set themselves to exert their influence with those who had the presentations to livings in their hands. Year by year by slow degrees, by almost imperceptible advances, the evangelical party began to grow; until, in the beginning of the century, it was plain there was a freshening of the breeze, and a renewed interest in all subjects relative to vital religion. The French Revolution had dispersed and blown to the winds much of the easy-going scepticism which had so benumbed the energies

and the intellects of men in the preceding generation. New life was inspired into all philanthropic, missionary, and educational efforts ; and at last an event occurred, singularly interesting to the audience which I now address, when a man whose name was once and is still like the sound of a trumpet in all our churches—I mean Dr. Andrew Thomson—was in 1817 installed minister of St. George's Church. I have reason to know that it was not without a long and laborious preparation that his appointment to his first charge in Edinburgh was accomplished ; but, from the day he first opened his lips to our predecessors in this congregation, a new light seemed to have broken over the religious horizon. Strong, keen, energetic, a great orator, with a voice full of wondrous musical power, and an earnest, intrepid, resolute spirit, he, single-handed, did a service for the cause of evangelical religion in this country which will never be forgotten. He made religion fashionable, and infused an entirely new tone and spirit into the society of the metropolis of this country. Alongside him there was another great man—who was fortunately spared to us longer, and whose labours extended to the wants, cares, and demands of an emergency which, happily for himself, but sadly for

1817. Andrew Thomson.

Thomas Chalmers.

his country, Andrew Thomson never saw—I mean the brilliant, devoted, and masterly champion of the Presbyterian cause, Thomas Chalmers. To those two men, together, we owe the uplifting of the evangelical standard some fifty years ago, around which the nation has rallied with enthusiasm, and which we trust to do our part to keep flying for many a generation to come.

I am now near the end of my progress. Public and political events had advanced with the advance of earnest and evangelical feeling throughout the country. Gradually the principles of liberty and toleration began to find their place in our Statute-book; and at last, in 1832, after the Reform Bill had been passed, the evangelical party thought themselves strong enough to try conclusions in the Courts of the Church; and the first use which they made of their newly-acquired strength was to put an end to, or at least to put a curb on, the exercise of that right of patronage which had entailed so many evils on the Church, and which, if unrestricted, was inconsistent, as they thought, with its efficiency and usefulness. So was proposed and passed the Veto Act of 1834—an Act which was productive of very momentous issues, and which from

1834.

The Veto Act

both sides has sometimes met with unfavourable criticism. But I should be well prepared to say and to prove that the principle on which that Act proceeded was one in thorough accordance with the whole practice and mind of the Church from the date of the Reformation. The assent of the people to the placing of a clergyman had always in one shape or other been held to be of the essence of the pastoral relation. Sometimes it had been taken by election, sometimes by the call—that is, by the express assent and desire, but sometimes also by the dissent of the major part of the congregation. I am not aware that, until the latter part of the last century, the Church ever thought of settling a minister without the form, and generally the reality, of a call from the people. But, at all events, their assent in one shape or other had always been considered as a necessary element in the formation of the bond. A large party in the Church were no doubt in favour of the abolition of patronage altogether, but the reasons which probably led to the adoption of the milder remedy were twofold. First, the unwillingness which the more experienced leaders of the Church had to subject the time-honoured constitution of the Church of Scotland to the criticism, alteration, and

modification of a political assembly, like the Houses of Commons and Lords, which could not possibly sympathise with its principles, and might be to a large extent ignorant of its history; and without the assent of Parliament, of course, patronage could not be abolished. The other view undoubtedly was, some difficulty and demur as to where the appointment of the minister should be placed—difficulties entertained by many men of experience in those days, but which probably the example of more modern times must have gone far to dissipate. Be that as it may, the Veto Act was passed, which simply put upon the exercise of the patron's right this most moderate and reasonable limitation, that if a major part of the heads of families, being communicants, objected to a presentee, he should not be settled, and the patron should present another.

Nothing could be more successful than the first operation of this Act. The patrons were only desirous of finding presentees who should not bring them into collision with the people, and should be of benefit to the parish. The old evangelical spirit revived. Church extension took shape. The energies of the clergy were again roused. The people began to drop back to their old accustomed haunts, and by the time 1837

had been reached, I believe the Church of Scotland was the most thoroughly national, most popular, most vigorous ecclesiastical institution in Europe. Then came the end—at least the end of my subject—and the end of all that I have been appointed to describe. The minority of the General Assembly, acting in concert with a patron whose presentee had been rejected, doubtless believing that unrestricted patronage was a benefit to be preserved, came to what I cannot but think the unfortunate resolution to have the question tried in the Civil Court, as to whether the General Assembly had the power to pass the Act of 1834. The ground on which they objected was the simple ground which had stared all statesmen in the face since 1592, as to whether, when that Statute said that the Presbytery should be astricted to admit a qualified presentee, it contained within itself the right of a Civil Court to enforce and compel the conferring of the spiritual functions of a minister. “You can only try qualifications, but the assent of the people is no qualification; you are bound and astricted to receive and admit, and if you do not a Civil Court can compel you.” Of course it is no part of my province to discuss questions of law which Courts

of Law have settled. I am only speaking historically, not as an exponent of Acts of Parliament. But I think, without any digression into the field of law, I can in a few sentences explain, in a popular manner, the points on which the controversy turned.

I have already shewn you, in my analysis of the Act 1592, that among the powers asserted by that Act to have been conferred by God upon His Church, were those of collation and deprivation of ministers. Now, in Presbyterian Church order, ordination is included in collation; and ordination is never conferred excepting in connection with a cure of souls. Therefore it was maintained by the Church, that the words at the conclusion of that Statute, to the effect that the Presbytery should be "bound and astricted" to receive and admit any qualified presentee, only imported a direction to an inferior church judicatory, in a matter in which they were only subject to their ecclesiastical superiors, and could not possibly imply that a Civil Court could compel or prevent the exercise of functions which the same Statute declares to have been the gift of God to His Church. On the other hand, it was said that the words were quite precise, and that when a Statute enacted that the Presbytery should

be bound or astricted to admit a qualified presentee, admit him they must, and that a Civil Court could enforce the obligation.

It is impossible to say that the words are not susceptible of the second meaning ; and such has now been conclusively fixed to be their legal effect. They were, as I have said, left purposely ambiguous. But there can be no doubt how they were understood by the Church in 1592. I cannot indicate this more clearly than by referring to the terms of two Statutes—one passed during Presbytery in 1567, and the other during Episcopacy in 1612.

The Act of the Scottish Parliament passed in 1567, c. 7, dealt with this matter of the rights of presentees. It provided that presentations of qualified presentees should be directed to the superintendent of the district, with an appeal to the Presbytery, if he refused to receive and admit ; and from the judgment of the Presbytery an appeal lay to the “General Assembly of this haill realm, by whom the cause being decided, shall take end as they shall decern and declair.”

Now, this Statute was not only not repealed or altered by the Act 1592, but it was ratified and confirmed by it ; and therefore, at the passing of the Act 1592, it was understood and believed that the obligation

laid upon Presbyteries to receive or admit qualified presentees, was precisely the same, with the same remedies and no other, as that laid upon the superintendents in 1567. The law remained unaltered.

On the other hand, after the bishops were restored, and the Royal Supremacy asserted in 1606, and Parliament had to provide for the new order of things, presentations were enjoined by the Statute 1612, c. 1, to be directed to the bishop; and, if the presentee was already in holy orders, a complaint lay to the Privy Council, who were empowered to compel admission.* The contrast is very marked.

* The text of these two remarkable Statutes is as follows:—

“Under Presbytery, 1567, c. 7.

“Item, it is statute and ordained by our Sovereign Lord, with advice of his dearest Regent, and three Estates of this present Parliament, that the examination and admission of ministers within this Realm *be onlie in the power of the kirk*, now openly and publicly professed within the same. The presentation of lawful patronages, always reserved to the just and ancient patrons, and the patron presenting one qualified person within six months, &c.—to the Superintendent of those parts where the benefice lies, or others having commission of the kirk to that effect; otherwise, the kirk to have power to dispo[n]e the same to a qualified person for a time. Providing that in that case the patron present a person qualified to his understanding; and, failing of one, another, within the said six months; and if the said Superintendent or Commissar of the king refuses to receive and admit the person presented by the patron, as said is, it shall be lawful to the patron to *appeal to the Superintendent and ministers* of that province where the benefice lies and desire the person presented to be admitted, which, if they refuse,

Court is laic

In times when the Royal Supremacy was denied, and the divine origin of the spiritual jurisdiction of the Church admitted, the appeal lay to the General Assembly. When the Royal Supremacy was asserted, as it was by James in 1606, the appeal lay to the temporal Court of the Privy Council. But under Episcopacy, orders are conferred without a cure; and, accordingly, only presentees already ordained could invoke the Privy Council. Even James refrained from giving power to a Civil Court to compel a bishop to ordain. But when the Act of 1612 was repealed, and

to appeal to the General Assembly of this haill Realm, by whom the cause being decided, shall take end, as they shall decerne and declare.

“Under Episcopacy, 1612, c. 1.

“That all presentations to benefices be directed hereafter to the Archbishop or Bishop of the diocese within which the benefice vacant lies; providing always that in case any Archbishop or Bishop should refuse to admit any qualified minister (*accepting the presentation granted to him, and who has been once received and admitted to the function of the ministry*, being then still undeprived) presented to them by the patron, in case of such refusal it shall be lawful to the patron to retain the whole fruits of the said benefice in his own hands, and either he or the parish wanting a pastor by reason of the not planting of the Kirk (in case the refusal thereof come by the Bishop) may complain thereof to the Archbishop; and if either the Archbishop be the refuser, or else give not due redress, being complained unto, *in that case the Lords of His Majesty's Privy Council, upon the parties complaining of the refusal; and, no sufficient reason had been given for the same, shall direct letters of horning, charging the Ordinary to do his duty in the receiving and admitting of such a person as the said patron hath presented.*”

that of 1592 ratified, after the Revolution, it was thought that all ground for the interference of any Civil Court was at an end. Such was the nature of the controversy which in the famous Auchterarder case came up for trial.

The resolution to submit the jurisdiction of the Church to the cognisance of a Civil Court of Law, was very ill-advised. Every one who saw below the surface knew quite well that success in this endeavour, if the majority of the Assembly stood firm, as they were certain to do, could only be reached through a course that would shake to its foundation the great charter of the spiritual independence of the Church. Although it was the question of the admission of a presentee which raised this large and mighty dispute, the Act of 1592 was so bound together, and the origin of the Church's jurisdiction as well as the extent of it, so vital to its constitution, that any one not blinded by the dust and turmoil of contending sides must have foreseen that the Civil Court had not the power to arrive at the desired end, without risking consequences far more important than the direct and main matter in dispute. So it proved : the Courts decided that the General Assembly

The Auchter-
arder Case.

had no power to pass the Act of 1834, and that the presentee in the case of Auchterarder was entitled to be inducted. If that had rested merely with the presentee being entitled to the fruits of the benefice for that term, it would not have been inconsistent with several instances which had occurred before, and would have been entirely consistent with the rationale of the divided jurisdiction. But the Courts went further, and proceeded to carry out this, and consequent judgments in other cases, into practical effect by process of law. They directed the Presbytery to take the presentee on trial, and, if found qualified, to admit him. But admission means collation and ordination, and collation and ordination were the matters which the Act of 1592 had declared to be among the spiritual functions which God had given the Church. The Presbytery declined. A minority of the Presbytery who belonged to the opposite party were authorised by the Court to give induction, and they did so. In another case the Presbytery did induct in spite of the orders of the Church, and were suspended, and ultimately deposed, for disobedience, by their ecclesiastical superiors; and the sentence was set aside by the Civil

Court, although deprivation was one of those matters expressly declared by the Act of 1592 to fall within the spiritual jurisdiction. Ministers of the Church were sent to the parishes where the ministers had been suspended, and they were interdicted from preaching the Word. It is needless to go over the different cases in which one after another those questions arose. It was plain that the crisis was at hand—plain at least to those who chose to look, although some were so far deluded as to imagine that this was but a movement of a few ambitious churchmen, and were wholly ignorant of the spirit either of the clergy or of the people. It seemed to the evangelical majority of the Church that no course was left for them but to throw off the trammels, as they then felt them, of their connection with the State, and to seek the freer air of a voluntary church. I must own that in those days, while thoroughly sympathising with the views which they maintained, and having had a very humble share in some part of the controversy, it did seem to me that the prospect of maintaining a voluntary Church, in an efficient and vigorous condition in this poor country, was almost

Quixotic. And I also mourned with a mourning which I cannot express over the wrenching asunder of so many hallowed traditions, and the destruction of an institution around which so many historic memories were woven. But I very soon became convinced that in both I had been wrong. The nobility and spirit of the people went far beyond what could have been expected ; and after reflection satisfied me not only that it was impossible for the leaders or the ministers who followed them, in justice to their people, to have continued the struggle longer, either with propriety or with dignity, but that their only chance of placing the Church government on its true and scriptural footing was to adopt the course which, under their great leaders, they followed.

The Disruption, 1843.

Then came the exodus, that most romantic and heroic episode in this struggle for the truth. It is five-and-thirty years ago, and many, too many, of those devoted men rest from their labours ; yet I cannot cast my recollections back to that impressive event without a swell and a glow at my heart ; a vivid and over-mastering sense of admiration and sympathy at a spectacle which raised humanity

above the sordid level of common life, and shewed to the country and to Europe that, even in those days of indolent prosperity and peace, there were men ready to do and suffer all things for what they believed to be the cause of Christ. The clouds have passed, the rain is over and gone, and we gather, year by year, the fruits of the seed that was sown in tears ; but never, while a true Gospel is preached in this Protestant and Presbyterian land, will the tale cease to be told, with weeping and with laughter, with reverence and with homage, of the grand and soul-stirring testimony which was rendered on that memorable day.

Were they mere enthusiasts ? Were they "Martyrs by Mistake," as a great philosopher was fain to call them ? I trow not. They only walked in the footsteps of those who went before them. The onlookers said, "Why all this exaggerated zeal on the question of patronage. Our fathers submitted to it ; why should not you ? The spiritual jurisdiction of the Church is not touched, and the Civil Courts cannot repeal the Act of 1592, or the Revolution Settlement." But the question was neither about patronage, nor about the extent of the jurisdiction of the Church. Patronage in the struggle had

disappeared from sight, and it may quite well be that the Civil Courts may decline to judge in matters ecclesiastical in the future as in the past. It was not the extent, but the source of the jurisdiction of the Church which was the point of vital controversy. It was the apparent denial in these proceedings of the Civil Court of the principle that the Church's jurisdiction in matters spiritual was given by God, and was not in the hands of any civil power to give, or withhold, or control, which led to the exodus of 1843. Is that principle true or false? It was asserted at the Reformation; it was embodied in both the Books of Discipline, and in all the Confessions of Faith; it was solemnly asserted in the Act of 1592; it was repeated in the Statute of 1640; it was embraced in the Revolution Settlement, and lies embedded in the Union of the Kingdoms. Any jurisdiction which the State ever recognised in the Church of Scotland was founded on the direct assertion of that essential doctrine. On that foundation all her liberties were built. What remains of it? Because they could not answer that question our leaders in the olden day preferred to abandon hearth and home, station and competency. I do not stop to answer it now. Whether in the light of recent

events it was wise of others to draw the cords to tension till they broke, it is beyond my limits to inquire. I have accomplished my task, and shewn what a State Church was and might still have been. But it is easier to destroy than to restore.

CHURCH AND STATE IN THE
PRESENT DAY,

BY

A. TAYLOR INNES, ESQ., ADVOCATE.

CHURCH AND STATE

IN THE PRESENT DAY.

THERE is no more magnificent drama than that presented by the question of Church and State throughout the world in the present day. Yet in this, as in all matters, the eye sees what it is capable of seeing. There are those who look out on the great age in which we live, and from Dan to Beersheba find it barren. But how can the world be other than barren to men who under great results seek petty causes, and, seeking, find them? To such enquirers nothing great in human life reveals itself. Even in the past the noisiest events—the drums and trappings of history—fill their unbelieving ears. But the surest punishment of this ungenerous temperament is the incapacity to understand the age in which its own lot is cast. Contemporary history becomes to such men inevitably a game of shifting expedients and personal intrigue; and mankind, wrestling with the deepest problems of existence, but an ignoble and insect crowd, struggling

A great
Drama.

along the narrower ways of life, "with too much envy in their hearts, and too much striving in their hands." Now, there may have been ages of the world when there was much excuse for even such views. There have been times when the public relations of human life were cast in so poor a mould, and when that mould had become so fixed and hardened around whole generations, that the only deliverance for individual thinkers and Christians was in casting their eyes backward into some earlier and golden age, or in abandoning history altogether, and looking away from outward facts to inward principles. God be praised, the lot of men in our day is not so hard. To those of you who do not love logic, and have no passion for abstractions (and there are such men, even among Scotsmen, and even upon this subject of Church and State), to all such I would say, You need not drift back into the historical past, or float onward into an ideal future. Lift your eyes and simply look around you. Only, remember, when you look around, look all around. It is he who takes in the whole signs of heaven, who may hope to spell the secret of the sky.

What is the first of those signs—the flush that attracts us along the horizon? I call as witness an observer without much prejudice on my own side. There is a

little knot of thinkers in England so negative, that they have to call themselves Positive; and of this party, the ablest writer and representative is Mr. Frederic Harrison. Three years ago, Mr. Harrison found himself called to speak of the present age in the following terms:—

“Abroad and at home, on all sides, may be seen a new power in politics. We are living in a revival of religious passion, affecting all public concerns. As a religious phenomenon, this has long been recognised. It is the peculiarity of the religious revival of our day, that it is no one phase of religion that revives. What we see is a breaking forth of the religious temper in ways the most diverse—Catholic, Anglo-Catholic, Old Catholic, Neo-Catholic, Old Christian, Neo-Christian, and Anti-Christian.”

Yes, this is the first thing that we have to recognise in approaching the present time with a view to its relations of Church and State—that it is a religious time. And by this, I mean, not a time in which religion rules, but a time in which religion lives and works. There have been times when religion ruled a great deal more than it does now, and when it was a great deal less living. The peculiarity of the present time seems to me to be, that religion is now only

This a religious time.

a powerful thing in so far as it is a living thing. But, to a very great extent, it is a living thing; and, accordingly, it is everywhere a power. Outside Christianity, the hardest of all religions, is that of Islam; but it has within this generation experienced a revival of feeling in its original Arabia, which reminds us of the old days when men listened to Mohammed himself; and, as he preached his new found doctrine of God's greatness, "his eye grew red, and his voice rose loud and shrill, as if he were warning the people of an enemy to fall next morning upon the camp." Inside Christendom, the coldest of all Churches is that of Russia. But again and again in this century, through that snowy expanse, hot springs of evangelical feeling have gushed up; and strange cracks and mysterious moanings heard under the vast ice-field suggest that, instead of slowly bearing down upon Europe, as Europe fears, that glacier-continent may some day be itself broken up by internal influences, and thrown into convulsion and transformation. And if these things are so in the impassive East, why need I speak of the seething West on both sides of the Atlantic? Open our most influential periodicals: you will

find them almost one-half theological. Open our most popular books of science: you will find them groping outwards into an unseen universe, or back into that blue haze from which the visible universe has sprung. I shall refer later on to the great Roman Catholic revival, extending to the utmost circumference of the Latin Church, and beyond that circumference into other communions. But, at this point, I shall only say, let no one suppose that such a movement has taken place without earnest and individual religious conviction. If you doubt that, take up only one centre of the movement—the small knot of men represented by La Mennais, Montalembert, and Lacordaire, who, about the year 1830, before the advent of Ultramontanism, strove to reconcile religion and liberty. The last named of these was a barrister before he was a priest; and, even after taking orders, he appeared again and again at the bar to plead his own cause and that of his ardent associates. “You priests,” cried the public prosecutor to him, “are the ministers of a foreign power.” “We are the ministers,” flashed back Lacordaire, “of God, who is a foreigner in no land of earth!” Such was the spirit of that confident morning of

brave hearts in France ; and we cannot doubt that all over Europe a like spirit, less bold perhaps, but on that very account more true and pure, has swelled the fountain of what is now so dangerous a flood. And, if revivals of religious feeling are one great source of strength, even in the external system of Catholicism ; in our Churches, which profess to be built on the revelation to the individual of an invisible world of truth, they may almost be said to be the ordinary channels of imparted power. Men go about mumbling old and orthodox truths, which they believe themselves to believe, when suddenly or gradually, the eyes of some one are opened to see the least of those truths, and it transfixes and transforms him. And from one the fire of illumination and quickening runs to another ; and so, year by year, and generation after generation, the Church abides—imperishable, even on the lowest theory, as is the nature of man, and on the higher theory, as is the grace of God.

Now I need not remind my younger audience how much this fact—that our time has to deal with true religious feeling as well as with Churchism—imposes on us a duty to come to the topic with clean hands and hearts. It is more in the line of our

present remarks to observe that this is an eminently hopeful fact for the solution of the problem of Church and State. Wherever you have ecclesiasticism without religion, you want some of the essential elements of the problem, and your result will be necessarily fallacious. But our age, whatever it wants, has at least the *materials* for the solution of the problem of Church and State.

For, in the second place, this is not only a religious time, it is a Church time. Churches, as I have just said, inevitably result from religion; at least from Christian religion. Yet there are times when religion takes the ecclesiastical form more than at others, and when the Church, as an external institute, is specially active and prominent. There can be no doubt, if you take the world as a whole, that this is so now. Only, in the present day, you find the Church energetic and active in all its forms and developments—not, as in former ages, in one or two alone. Take, for example, one extreme, the Roman Catholic Church. The present age has witnessed a wonderful revival and persistent growth in power of the Church which best represents the principle of authority. Starting with the reaction from the crash of revolution

A Church time.

throughout Europe, it has everywhere made its way in our more religious century—never abandoning its ancient claim of supremacy, but in liberal and democratic countries holding it in reserve—demanding, where it cannot look for more, the mere liberty which is due to every Church, but arrogating, where it has the opportunity, the subjection of States and Princes to that divinely appointed and infallible power which has authority to fix the limits of all other powers. Directed, from a short time after the accession of the present Pope, by the trained and traditional skill of the Society of Jesus, it has shewn itself as well able to make alliance with democracy as with despotism. And, while using both of these, it has found in Imperialism—*i.e.*, in a universal suffrage which hands over its whole powers to one irresponsible ruler—both its truest friend, and its real analogue in civil affairs. Applying the same principle of centralisation to its own internal matters, it has crushed out Gallicanism, it has reduced Old Catholicism to a shadow, and it has effaced the representative Church rights of its own laity, clergy, and episcopate; and that with such completeness, that when, in 1870, a General Council was held in order to declare an Italian priest the

absolute lord of the conscience of mankind (and it did so, not even by its authority but expressly by his own), not a single bishop of that communion throughout the world has been found to persist in his protest. What a complicated difficulty is presented to the State by a body which is in many respects a huge civil or anti-State institute, and which yet is ever ready to fall back upon its mere rights of conscience and of Church freedom, I need not here say. I have had an opportunity of doing so elsewhere; and it must never be forgotten that it raises a separate and additional problem, not to be solved by the principles which ordinarily pull us through. In Protestantism the rights of the Church come up more purely, and the complications there are due to its internal variations, or to the well-meant efforts of the State to control and use it. Take for illustration what is in every sense an intermediate case. The Church of England seems to have manifested an extraordinary amount of power and vitality—of organic power and of Church vitality—during the last few years. Whether the institute called by that name may not find that it really consists of two or three churches—of two or three incompatible

forms of Church life—is another question ; but, as a whole, it seems to me to have got thoroughly into it the idea of Church unity and association. If you doubt this, read the proceedings of the last Church Congress. Ten years ago the idea of a Church of England not established would have been regarded in such an assembly as monstrous. Its leaders then always talked, as the clerical leaders of the Church of Scotland sometimes still allow themselves to talk, as if disestablishing a Church would be the same thing as destroying it. The reports of these Church meetings—at present fully more the equivalents of our General Assemblies than the meetings of Convocation—seem to me to indicate that the leading men in the English Church have escaped permanently from this degradation of thought ; and the increased self-respect thus indicated on the part of the Church has produced a visible increase of respect on the part of the statesmen who deal with it. Take again the foreign Protestant Churches. In Germany the universities are centres of intellectual and spiritual life, but it stagnates in its attempt to pass through the masses of the people ; and the recent institution, in the great Prussian communions, of kirk-sessions

and the forms of presbytery, no doubt supplies machinery, but does not supply driving power to propel it. How far this is due to the fact that by Prussian law every "adherent" has the full rights of a member of the Church, no matter what his faith is, or whether he professes any faith, is an important enquiry; for the same scheme has been proposed for us in Scotland, and will be proposed again. In the smaller continental Protestant bodies we have exceedingly interesting questions of polity and creed—the most celebrated of these last being, no doubt, the case of the Church of France. There an orthodox majority has adopted a new creed, consisting of three sentences; a creed which is resolutely refused by a rationalist minority, many of whom deny the resurrection and the supernatural in all its forms. They object to the change on the perfectly intelligible ground, that a new and short creed must be supposed to be believed by those who accept it; whereas their ancient creed, which came down from Beza and the Reformation, they do not even pretend to believe. The law courts of France have sustained the power of the Church to enact its creed as against a minority, but, being an Established Church, the enact-

ment requires to have the sanction of the State, and this having been refused or delayed by the changing administrations, the matter remains a dead-lock. Now these are mere illustrations of the great variety of Church vigour in Europe. And these and many more Churches have learned to look away—past us, I am sorry to say—to America, where the freest development of Church-life, in all its forms, exists in the greatest vigour. There Presbyterianism has found its Western home; there the Baptists and Methodists have been still more active pioneers of Christianity; there Mr. Gladstone found his model for the reconstruction of an Irish Episcopal Church; and there the Roman Catholic communion exhausts its most popular methods of aggrandisement. And in these and all its forms the Church, unfettered by the administrative interferences of the continent, is there held in the highest honour by the law.

A State time.

But, thirdly, this is not only a Church time but a State time. There have been times when the State had almost no powers. It was so young, or so broken, or so much under the influence of superstition, as almost to efface itself in the presence of the Church. That is out of the question now. The State is nowhere a nullity, and it is not in the least likely to

become so in the future. Unless I am much mistaken, we and the next generation in Great Britain are likely to see a considerable advance in the grasp of the central power upon individual and corporate interests. The *Laissez aller* policy of the earlier part of the century has gone as far as it will be allowed to go ; and we shall probably find in the future the hand of the State laid, not only upon all public and charitable endowments, but even upon what we call private property, to an extent that we have not yet realised. And if the State is independent, and will remain so here, it is equally likely to do so elsewhere. The continent of Europe has everywhere carried centralisation and administration to an extent which we should at all times have held intolerable ; and the advance and energy of Church-life there, which we have already considered, has not brought with it any diminution of the powers of the continental State. Very much the contrary. There have no doubt been fluctuations in this matter ; but the absolute pre-eminence of the Roman Catholic Church, which had been acknowledged previous to the Revolution, has never been restored. The system of concordats, which the great Napoleon favoured, was to a large extent continued after the Restoration of 1815,

and afforded scope for concession and bargaining on both sides, which postponed the whole question of the essential rights of Church and State as such. In this commerce the Romish Church had much the advantage during one period—that succeeding 1848—when the governments unwisely sought its alliance against democracy. But the pretensions of the Vatican Council, and the beating down of Austria and France on the field of battle, have inaugurated a new era, and at present the position of the great States is one of careful and jealous independence. Of Germany, Austria, France, and Italy, the only country where there is any danger of clerical preponderance is France. But then that is due not to the abnegation of its powers by the State, but to the direct and partly legitimate influence of the Roman Catholic Church upon society. It has grown there, as it has grown in Belgium, in England, and in America; and any attack upon it by the law would probably increase its popularity. In Italy it is protected by the law, but not fostered; indeed, in the head-quarters of Catholicism, Church and State may be said to be now in separation. In Germany, the Ultramontane Church is, as we all know, repressed and restrained by the State; while in Austria, its old and faithful ally, it is still established,

but established under recently enacted rules which have quite stripped it of its former supremacy, while allowing large internal liberty to manage its own affairs. In Spain it has suffered similar dethronement ; and in Switzerland, it, and all other Churches for its sake, are almost under the ban of the civil power.

The remarkable and paradoxical result is that, in this century, both Church and State have been getting more powerful, while neither has been gaining from the other. Each has, on the whole, been getting more influence in its own region ; while each has, on the whole, been interfering less with the region of its neighbour. Of course the end is not yet. The question between the two powers is not answered. But the question is put—put as a world-wide question—more explicitly, more fairly, and, in my judgment, more hopefully, than in any previous age. I say more hopefully, because, in the first place, the extreme answers which have at other times been given are now practically out of court. No doubt there are very able men in Europe—in every country of Europe—who hold that the true solution of the problem of Church and State is practically to obliterate the State ; just as there are

A drawn game.

men—and men so eminent as Garibaldi, and, I am afraid, Gambetta—who would say that the true answer is to obliterate the Church. But these are the theorists or the fanatics: and there is no practical possibility of doing either the one or the other. The things are there, and will remain there, and you may make up your mind to them. Then there is a second proposal which has often been made, which the present state of matters seems equally to discountenance—*i.e.*, to identify the two things. You may merge the State in the Church, as was done in the Pope's temporal dominion, and as the Jesuit theory demands in what they call the "Perfect Society" throughout Europe: but even if that were now a possible experiment, it always ends in the Church itself turning into a peculiarly corrupt and worldly State. Or you may merge the Church in the State; and that is being attempted in Switzerland at this moment. In French Switzerland, and in particular in Geneva, the State regulates Catholic worship and the election of the parish priests, who are of course in consequence deserted by the faithful; while the Protestant State clergy "are elected by universal suffrage, every one being entitled to vote who is

born a Protestant, even though he should be avowedly an atheist.”* In German Switzerland the Government of Berne commanded the Roman Catholic clergy to break off all connection with a bishop whom it held to be deposed; and on the refusal of 69 of their number, it expelled them all from their cures. In both places the State has refused to permit the separation from itself of either the Catholic or Protestant Church, preferring the hopeless attempt to mould and manipulate their workings and constitution. But attempts like these, on both sides, have created a revulsion of feeling in Europe, which seems to me conclusive as to the future. The attempt to obliterate either the Church or the State, and the attempt to merge either of them in the other, are both practically hopeless. Serious and responsible statesmen on the continent, men of the stature of Bismarck and Cavour, know and acknowledge this. But more interesting to us than the effect of these transactions on public opinion abroad has been their influence on thinkers and workers in our own country.

* From by far the best recent authority in English on this European subject, Geffcken on Church and State, translated in 2 volumes. (Longmans. 1877.)

Effect on Eng-
lish opinion.

For all these things are our examples, and the effect which they have produced, on the higher minds of England especially, has been extraordinary. Nor has it been without its importance for Scotland too. Ten years ago, after completing a legal study on the relations of Church and State in Scotland, I came to the conclusion that, so far as regarded the question of 1843, there was not much to be done controversially by me or any other. It had all been done, and done conclusively, long ago. There never was a controversy so thoroughly thrashed out as that was at the time; and any recent objections to your position which you may have heard, are the mere chopped straw of old fallacies—attempts to prove that two and two make five—which, when brought forward originally by men like Dr. Robertson of Ellon, were torn into pieces by Dr. Cunningham and others, and trodden under foot in a very rage of logic. But logic cannot do everything. There are people who cannot afford to admit that two and two make four. And our English neighbours in particular, while equal and indeed superior to us in wholesome reason and fairness of mind, are far more dependent upon concrete illustration and the teaching of contemporary history. It was on all accounts, therefore, well worth while to

stand upon our island watchtower, and wait to see what the history of those ten years might bring to our doors. What, and how much, have they brought? Events, amid which the disestablishment of a Church of Ireland was a mere bagatelle—the fields of Sadowa and Sedan, the Vatican Council and the enthronement of an absolute monarch over the Latin Church, the loss at the same date of his temporal sovereignty, and the subsequent struggle of his policy with half the Powers of Europe, and in particular with victorious Germany. No wonder that men's minds were driven through a rapid education; no wonder that we, who in our insular position were privileged to stand apart from the continental conflict, felt disinclined to take sides in it, even when appealed to by parties in the fray. In the spring of 1874, when that conflict was at its keenest, Archbishop Manning, writing in the *Contemporary Review*, rather rashly appealed to the Church of Scotland as having throughout its history claimed essentially the same powers as the Church of Rome claims at present.* It was perhaps necessary to point out the mistake; yet even now I cannot but sympathise with the hesitation

* See Note A in Appendix.

with which the attempt to do so was made, lest a premature enunciation of the principle of the struggle should hinder any one observer from receiving for himself the full force of its lessons. Will you permit me to quote only a sentence or two written at that date?

“On the shores of Scotland and America we see a company of men who stand and look out with much interest, but at the same time with scarcely concealed complacency, over the troubled sea of Europe. The shock of those mighty opposites, Ultramontaniam and Cæsarism, which perplexes and saddens so many, has filled them with satisfaction. That hopeless but most instructive conflict is exactly what they had anticipated; nay, what in some milder form they had desired. . . . Apart from other questions, the progress of Prince Bismarck’s contest with Pius IX. is producing, week by week, such an effect upon English opinion, that multitudes are at this moment groping outside the theory of mutual independence, unwilling to enter by that door, and yet unable to move away. In such circumstances, its advocates may well run a waiting race. Time is on their side. Every development in the great German story will bring out more and more the impossibility of submerging or subordi-

nating either the secular power or the spiritual, and so will suggest the expediency of frankly recognising both. And while history is unrolling so great a picture under so intense an illumination, may we not wisely keep silence?"

It is not four years since these words were written, but the effect of those later years upon observers and thinkers in Great Britain has been much more remarkable than that of the six that preceded them. I am exceedingly desirous, for reasons I shall afterwards suggest, to avoid anything like flattering you, the younger men of the Free Church; but I cannot honestly put the fact at less than this, that the world is slowly coming round to your principles. Take one illustration. The London *Spectator*, with a good many faults, has probably been during these ten years the ablest and highest toned of the weekly journals in Great Britain. Only a few years ago, in enumerating its principles at the head of its own advertisement sheet, it gave prominence to one of them as "Erastianism in Church Politics." But for the last few years the *Spectator* seems to me to treat all Church and State questions throughout the world exactly on the principles which the Free Church leaders formulated in 1843—principles which, whatever their demerits,

Advance in
public
opinion.

can hardly be described as Erastian. Now, whence came the wind that blew these seeds of conviction into the *Spectator's* page? It came to all appearance from across the German Sea. It was that on that other side a great nation had established and endowed within its bounds a portion of a powerful Church; that on quarrelling with that Church the State declined to restrict itself to withdrawing the endowments within its territory—a thing which it is always in the power of a State to do—but insisted also on governing the Church, and making laws for it, and regulating, not the civil and pecuniary results of its actions only, but its ecclesiastical acts themselves and its internal Church relations—until in one month alone there were eighty or ninety convictions for refusal to obey those laws, and five of them bishops sentenced to fine or imprisonment. Now, the quarrel of the German empire with Ultramontanism was a most righteous quarrel, and the things which the new German ecclesiastical regulations enforced on the Church were in themselves things good for the Church and for mankind. Yet the spectacle of a wise and powerful nation, desiring to secure wise and good results by intruding into the internal affairs of even an Ultramontane Church, has been such as to set men's

minds, as I believe and hope, in permanent opposition to such a claim of authority by any State over any Church in all time to come. The same effect was observable when a year or two ago the Guibord case was brought over here from Canada on appeal to the Privy Council. The English lawyers, I must acknowledge, did not distinguish themselves in handling that matter; but the English organs of opinion took up, with great honesty of purpose, the curious complication of civil and sacred rights which is always produced, by the theory of consecrated ground, in a country where the State is independent but has established a particular Church. And here again the line of justice which the ablest London journals drew, including not only the *Spectator* but the *Times*, was no other than that which the Free Churchmen of 1843 had drawn with far more precision—the leading journal adding honestly that England was probably on the threshold of a reconsideration of the whole subject in the light derived from so many quarters around. But a third and a still more striking illustration of the same state of matters was given when attention was called to the relation of the kingdom of Italy to the Church whose infallible head resides within its territory. Since 1870 the relations of

Church and State in Italy have been founded generally on the theory expressed in the maxim borrowed by Cavour, of a "free Church in a free State," as that maxim is more particularly expounded in the Guarantee Laws of 1873. But the working out of those relations in legal practice was regulated by the precise formula, so familiar to the leaders of the Scottish Church before its old constitution was beaten down in 1843, that where a difference between the State and the Church emerged on any matter, neither should be judge for the other—that until both parties agreed, the State should absolutely regulate its own matters, including all questions of property and so-called Church revenues, while the Church should still regulate its own internal matters and sacred functions.* This striking analogy, observed by the statesman-eye of Dr. Robert Buchanan on his closing visit to Rome, was brought by circumstances under the notice of our press. The result—on the part of its best representatives, I instance again the *Times* and the *Spectator*—was a prompt appreciation of the merits of the only feasible attempt to cut

* See Note B.

the knot that is strangling Europe; while other journals, seeing too clearly that if a principle so well defined as this is good anywhere it is good everywhere, hung back and refused to accept the solution—refused to accept it, observe, as being too favourable *to the Church*. But time—in this case not a few years but a few months—brought about its revenges. The Italian people themselves held the view—a view in which I strongly sympathise with them—that this fair and equal common principle, however good for Churches in general, was not sufficient to repel the positive aggressions and attacks made by the Ultramontane clergy high and low—attacks in some cases upon the very existence and whole authority of the Civil Government. Accordingly, they turned out the Government of Mancini, and having put Depretis in power, with a very large majority, the new cabinet brought in a bill to “repress clerical abuses,” which caused great question and commotion, and, after passing the Chamber of Deputies, was finally negatived in the Senate. It was not a well-considered measure, but it was one which I suspect our Houses of Parliament would instantly have passed had our throne been exposed to the kind of attacks which were directed against that

of Victor Emmanuel. Yet our press, influenced very manifestly by the long education of the German struggle, was now unanimous, and, I think, rashly unanimous, in reprobating the attempt to go beyond the previous line, which left even that Church in Italy free within the free State.

Caveat.

I give these as most instructive illustrations of the advance of public opinion upon this subject. And I have now to make a deduction from these remarks, to which you will give such force on the other side as you think right. You will not find that those organs of public opinion, while approving and warmly admiring the principle in cases thus brought before them from abroad, are prepared as yet to apply it to cases at home with which they have specially to do. The *Spectator* is no longer Erastian with regard to Churches throughout the world, but I will not venture to say what its view may be as to the Church of England. The *Times* holds the balance fairly between foreign States, and the Churches, Protestant or Ultramontane, with which they have to do; but if it were proposed to it to-morrow to relieve our own Established Church from its present obligation to obey in Church matters the Statutes of an English Parliament, I am afraid

the *Times* might be apt to take a hasty view. And I have found it so with many other excellent organs of opinion. You must give such weight to this as you think just; but to assist you in doing so, I will recall to you the old story of Themistocles. Athens had a dozen generals, one of whom fell to be chosen by the suffrages of the rest as the man most fit to command. The urn was brought, and the ballot was taken. Men at that time did not perhaps think more highly of themselves than we do, but they were franker and simpler in expressing their estimate. Accordingly, when the vote was read out, it was found that every one of the generals had written his own name first, but every one of them had written second that of Themistocles. The Athenian people held that such a vote was equivalent to a declaration that the son of Neocles was the man to save the state; and, I think, they were not far wrong. But I think also, that the same rule of interpretation may apply to the choice of principles, as well as to that of persons. When men vote for a principle of justice all round and in every case, except where they have already got themselves entangled in particular interests, it is not hard to tell the meaning of their

verdict, it is not hard to name the victor of to-morrow !

Establish-
ment ; extreme
theories on
both sides.

But this victorious advance of opinion on the great question of the freedom of both Church and State does not solve all other questions in the same region. In particular, it does not absolutely, and in all circumstances, solve the questions of establishment or non-establishment, endowment or non-endowment, which we must next consider. In truth, I know of no formula which does solve those questions universally. It is said that there are people who believe that there ought to be an establishment and endowment of religion in every country—say, where ninety-nine hundredths of the people are opposed to it. There are others who certainly believe that in no country is it lawful to have either establishment or endowment, not even in one where the same proportion of the people desires it. I consider these as the views of amiable enthusiasts on both sides. I cannot accept them myself, even in theory ; and I hold them to be unpractical and unstatesmanlike. And, of course, when there is no universal formula, when the question of duty throughout the world depends upon facts

and circumstances, there will in some parts of the world be difficult and narrow cases. But there will, in other parts of the world, be easy cases, cases which only require a little honesty to deal with them—a little honesty and a very little intelligence.

Now, looking out upon our world-map with a view to these matters, we are confronted at the outset by a rather difficult question, as to the nature of the modern State—what functions a State as such ought to assume. Of old, the Civil Magistrate was a stout gentleman in an iron cap, or an embroidered waistcoat. Under that cap, within that embroidery, was a heart and a soul, and a conscience for himself and others. And as he was never chosen or delegated by the people, but ruled by right, hereditary or divine, it was natural that appeals should be made to the conscience of the ruler to regulate religion, as well as other matters important for his subjects. In modern times there is a considerable change on all this—a change which would, no doubt, be reflected in our Confessions of Faith, if such things existed. The Civil Magistrate is now the constitutional State, and the constitutional State is—not wholly, but chiefly—the assembled

The Civil
Magistrate;
his powers.

representation of the people. And when we ask what rights the representatives of the people have as to religion (or any other thing), the first answer is, that they have exactly so much as the people choose to give them. No doubt the question remains, How much ought the people to give them? And on this very famous question, on which so many thinkers have differed, I rather lean to the view of those who hold that the sphere of the State, as against the individual, ought to be a very restricted one. I profess myself a disciple of Kant and Humboldt, rather than of Hegel and Hobbes. But, notwithstanding that this is my own opinion, or rather because it is my opinion, I shall ask you to be good enough in this discussion to take the opposite view.

National
Religion is not
Establish-
ment; and is
opposed to
the establish-
ment of one
sect.

Let us assume that the State has high functions generally, and, in particular, that there ought to be such a thing as national religion (in the sense of religion, not of the people merely, but of the State). Then the first question which the map of the world suggests to me is, Is national religion the same thing with establishment of the Church? And the answer is, Certainly not. Whether national religion *leads* to the establishment of the Church

is another question, on which we shall have something to say presently. But they are different things; and a State might be intensely and even ostentatiously religious, with more chaplains for its acts of devotion than ever Louis XI. or Cromwell maintained, and yet refuse to establish or endow any Church. It might not only be pious without establishment, but even orthodox. Scotland, you know, held the creed drafted by John Knox in 1560 for seven years before there was an establishment, far less endowment, of the Church. The two ideas of National Religion and Church Establishment are quite distinct; and when during the next few years you hear a controversialist mix the two together, remember that it is due to slovenliness of thought or some less creditable reason. But I confess that I do not think myself entitled to ride off upon this mere distinction. You have a right to say to any one who comes to report to you upon the relations of Church and State in the present day, "Your distinction between the two ideas may be very well, but is it not the fact that national religion—meaning by that Christian national religion—does invariably lead to Church establishment, and must do so as a matter of conscience?" To this important question I shall answer by an illustration,

which will enable everyone in this house to be judge in his own cause. There is, let me suppose, a Southern State of America where the population is about equally divided between Baptists and Wesleyans, with a sprinkling of Roman Catholics. Now, does national religion demand that in such a case you select either the Baptist Church or the Wesleyan Church, and establish it? I answer, without hesitation, that it neither demands it, nor implies it, nor leads to it—*nor suffers it*. Every man, whose opinion on these subjects is worthy of being even considered, knows and confesses that establishing either of these two Churches, exclusively of the other, would be, in the circumstances supposed, a wound to national religion, and a sin against both God and man. And I need not say how much greater the differences are, in doctrine and in practice, between these two Churches than between the leading Churches in some lands we know. Yet no man in his senses would propose to endow one of these two over against its neighbour. Other courses you may possibly take. You may, for example, have a concurrent endowment of the two Churches and a concurrent establishment of them—of the two Churches or of the three. That is always a thing to be considered. But the establish-

ment of a Church—of one Church—of either of the Churches—in the very common and typical case which I have put, would be an outrage on national religion in any sense of the term, and a scandal to Christianity.

And now take your illustration back with you across the Atlantic, to the homes of a more ancient civilisation, and ask the question, How comes it that nearly all our European States possess Established Churches? How did they get over the difficulty which the Christian conscience in our day so instantaneously perceives and so fiercely resents? The answer is easy, but it is twofold. Many of those establishments date back to the time when one visible Church in Western Europe unchurched all others, when dissentients from its jurisdiction were held to be heretics or heathens, and when the State, therefore, looking abroad, had no discretion, and indeed no possibility of doubt. Or, if not so, then, as in our own country, they date from a time when the State proposed to itself a similar unity of faith within its own limited bounds, and when, the religion of a majority being once set up, it was made penal to dissent from that. Why, it was only the other day that we got rid of the Test Act, which refused the franchise and the rights of citizenship to those who were without

Origin of
existing Estab-
lishments.

the State religion ; and even in our own generation, while the constitutional law of the country in many ways recognises more Churches than the one, it is hard enough to say on what that recognition is founded. Now, in former times, when present things were taking shape, the idea always was that the State, whether it looked abroad or at home, could only recognise the Church of Christ—either the Church as a whole, one and indivisible throughout the world—or the Church of Christ in a particular land. And that was not a false or baseless idea ; let no man think so. I believe that we are coming back to it in very important relations, and that it will have much to do with the solution of this question, as of many others. Take the wider matter first. You call yourselves Presbyterians, and your standards of Westminster recognise one visible Church throughout the world—one catholic or universal visible Church, whose are the promises, and of which we are all bound to be members, bound by a far stronger obligation than can be claimed by any geographical sub-division of it. And this year we have had in Edinburgh our first representative meeting of that world-wide Presbyterian Church, with its twenty creeds and its one common creed, its thirty modifications of the same

The one universal Church:
the Presbyterian Council.

great polity, its elastic and sinewy strength already girdling the globe, its essential unity of constitution, and its essential unity of faith. How important this late fulfilment of a great duty is, both in itself and as a counterpoise to the external unity of Rome and the borrowed unity of High Churchism, I need not say. Were there nothing else worth living for in our age, it is something to have seen the beginning of what will never have an end! But, adhering strictly to our subject of to-day, I believe also that this universal Church, with its primitive diversity and primitive unity, will have a very important bearing on all questions of recognition of the Church by the State. And when we turn from the question of cosmopolitan recognition to that of Churches within a particular nation, the change which strikes us in our modern time is not less but more important. The truth is, we have got into a new zone of fact *and of conscience* on this matter. The recognition of "the Churches"—the "various religious bodies," as we call them—"the Church of Christ in all its branches"—the "clergy of all denominations," and so forth—is a notorious fact, perhaps the notorious fact of this region in our modern time. It is that from which we all naturally start. But observe how that recogni-

The Church
in a nation;
the change in
conscience.

tion bears upon the ancient and true theory on this subject. Men speak of Church Establishment. What do they mean? Do they mean the establishment of *the* Church—the Church of Christ—or the establishment of *a* Church? It makes the whole difference. There has always been a good deal to say for the establishment of the Church. There has never been anything to say for the establishment of a Church. The establishment of the Church in some sense is a thing congruous to national religion. The establishment of a Church, in the exclusive sense, is a thing presumably opposed to national religion. And it is not merely presumably opposed as a matter of theory; ordinarily, it is opposed in point of fact and of conscience. A State, it is well said, should have a conscience, at least in matters of religion. But at one time the conscience of the State was able to accept a particular Church—one ecclesiastical organisation—as being the Church of Christ in the land; and it deliberately unchurched or ignored those outside of it. It was able to do so; and although its conscience was narrow and dark, and so led it into cruelty and intolerance, still, because it could do it conscientiously, there remained an element of much good in the transaction. But when a State is no

longer able to do so—when its conscience forbids it to consider the one body as now equivalent to the Church of Christ—in such circumstances, to originate or to maintain the establishment of a fragment of that Church, is a deliberate wrong to the nation's conscience and a blot on its national religion.

But these considerations relate rather to the duties of the State. What as to the duties of the Church?—what as to the duties of a Church, in the same matter? We might treat this also in the abstract; and it is not probable that any right view of the functions of a Church would lead us to what we have found, even when we looked from the side of the State, to be a scandal to Christianity. But instead of delaying longer amid abstractions, let us come into the region of present history and present duty.

We have been speaking of the relations of Church and State throughout the world. But there is one country of the world, of which we have not begun to be ashamed, which has had a significant and, indeed, an illustrious history in this respect. The relations of Church and State in Scotland remain to be looked at. These have

Church and
State in Scot-
land; Lord
Hartington's
pledge.

always been exceptionally valuable for the study of the world-wide question, and it so happens that we have fallen upon a crisis in their development. Year after year, by nearly unanimous votes, your General Assembly has expressed its conviction (and I know that the great majority of the population of my native Highlands shares the conviction) that the existing connection between the presently Established Church and the State should be brought to a close, and that this is demanded both by the interests of religion and the Church principles of 1843. But that is not all. It is only a few weeks since the cautious and conservative leader of one of the great parties of the State, coming down to Scotland to speak on certain selected matters "of the highest importance," invited us all to form our views on this question of establishment or disestablishment, and pledged that great historical English party, to the extent of its power, to give effect to our views when formed, and to do justice to our Presbyterian Church as a whole. Ever since that day I seem to hear the tread of hurrying feet behind the sounding stage, and I desire that the next act of the drama should not take unprepared the inheritors of so glorious a part. Gentlemen, while in these circumstances

I shall speak only for myself, and shall commit none who hear me, I do not think it would be right to shrink from the subject you have put into my hands, merely because it has become unexpectedly important. On the contrary, I claim the liberty, which every man with Scottish blood in him must at such an hour desire, to adopt words which have been memorable in our history, and to say that now, beyond all other times, and here, if anywhere, "I am in the place where I am demanded of conscience to speak the truth; and therefore the truth I speak, impugn it whoso list."

But, addressing myself, as I henceforth do, to the young men of a Free Church congregation, I find myself at once relieved of what outside the Free Church of Scotland might be a considerable difficulty. Disestablishment has two meanings (which, by the way, word-swindlers trade upon a good deal). It may, improperly, be used to mean permanent separation of Church and State. But its only proper sense is, disestablishment of the Church presently established. And in that sense there is no question with you as Free Churchmen. Disestablishment was settled for you thirty-five years ago, a little while before you were born. You came

Disestablishment included in the original Free Church Claim.

out as "the Church of Scotland, Free," to use the phrase you have so often heard from an illustrious occupant of this pulpit; and, as the Free Protestant Church, you protested that you ought to be in the place where another had illegitimately got. Accordingly, the matter of disestablishment seemed to be settled almost by an axiom of physical science—that two bodies cannot be in the same place at the same time. Since then we have got what we are pleased to call larger views, and I am to present some of them to you this evening. But we shall do well to remember what manner of men they were who held those supposed narrower views, and what deeds they did in the strength of them. You know that it was Thomas Chalmers—and Thomas Chalmers in the last year of his life, and Thomas Chalmers speaking to the House of Commons—who, when asked as to the chances of ecclesiastical reunion, replied that it was impossible even in the future. The thing to be demanded, however distant, was, he held, not a union, but the "substitution" of the Free Church for the other Church, "by the Legislature adopting the Free Church as the Establishment, and then leaving us to deal with the ministers of the Established

Church as so many ecclesiastical delinquents"—to be dealt with, no doubt, very indulgently by the new Church, which would even consent, as regards the temporalities, that the life-interests should be given them, but always proceeding on the principle of a substitution or displacement of the one body by the other. Now, you have changed all that. No one proposes in any case to take proceedings, however indulgent, against any one, in the event of your rights being recognised. As Principal Rainy said a few years ago, your conflict is not with the members of the Church, but with its establishment, and the conditions of its establishment,—a matter over which it has no more control than I have. And even on that matter, with regard to your rights to establishment and endowment, no man now seriously contemplates that simple substitution, which to the last was to the mind of Chalmers the one thing to be demanded. And yet nothing is more certain than that your claim for simple substitution is now far stronger, in your own eyes and in those of the world, than when in 1847 that noble heart was laid to rest. In 1869 the Prime Minister of Great Britain—a man whose own character reflects lustre

even on that great office—described your moral attitude of 1843 as one to which “scarcely any word weaker or lower than that of majesty is, according to the spirit of historical criticism, justly applicable.” In 1873 the rival Prime Minister, desirous apparently to outdo even that great word of acknowledgment, secured for ever his pre-eminence of homage—by passing the Patronage Act. And now, year by year, as I read foreign and contemporary history, your hereditary claim of right is more and more acknowledged as conclusive—acknowledged by scholars and thinkers abroad as well as at home—by historians and statesmen so various in their sympathies as Mr. Tytler and Lord Macaulay, the Duke of Argyll and Mr. Gladstone.

The Free
Church Claim
of Right must
not exclude
the other
independent
Presbyterian
bodies.

And yet, while your right to be simply replaced in your position is more and more admitted by others, it is in that form less and less pressed by yourselves. The change implies a generous paradox, and a self-abnegation wholly worthy of you ; but it has hitherto been founded very much upon mere instinct. I desire to-night to probe the foundations of principle upon which I believe it to rest, and to suggest that we are now called to still higher developments. And, in

order to this, I take your Claim of Right of 1842. Like those high authorities whom I have named, I bow before it. I admit that it is valid and conclusive against the present Established Church. But I put the question, Is it equally valid to the exclusion of the rest of Scotland, to the exclusion of the other Presbyterians outside of you? I do not ask you whether you will use it to exclude them, or whether you will ever use it at all in your own interests apart from theirs. I know your intentions on this subject—your declared intentions—are wholly generous, and absolutely unsectarian and national. But I leave the matter of generosity, and I raise the prior question of right. What are your rights, and what are theirs, in the matter? Now, from the first day on which I was able to form an opinion on this great subject, I have always held that you have no right whatever, either in law or in justice, against your brethren in Scotland who maintain with you the independence of the Church. Take the Cameronians in 1690. They held that the Revolution Settlement in its bearing on previous legislation was ambiguous, and might be construed in an Erastian sense against the Church, and so they thought it not safe to go into it. You thought it safe to go into it; and, in 1843,

the Courts and the Parliament construed that Settlement and all the older Acts, elaborately, solemnly, and repeatedly—on their own merits, too, and apart from the question of patronage—in precisely the sense which was dreaded so long ago. The Cameronians were right, and you were wrong: whose claim is a Claim of Right? Take Gillespie in 1752. He seceded and formed the Relief Church, because the Assembly ordered him to take a part in intruding a minister upon a reclaiming congregation—precisely what you refused to do in 1843 when ordered, not now by the Church, but by the State. You are both in the same boat; but whose is the stronger right? whose is the prior claim? The truth is, there is a complete solidarity in this matter among all the branches of the Old Kirk of Scotland; and I am far from excluding any members of the Church established who claim their share in our common heritage. There is a constitutional and vital unity already existing among our Scottish Free Churches, deeper than any blending of organisations; a unity which we all feel as a moral fact, and which some of us have been long prepared to base upon historical principles. Never once have I been present when your Assembly stood up to “pray that Jerusalem may

have peace and felicity," without seeming to behold the walls fall asunder, and the roofs expand, and a greater house silently rise, to receive the invisible multitude of our Scottish faith and blood. And that vision was no baseless fabric: it rested, I believe, on a logical foundation, and it leads to a practical result. I hold that your Claim of Right, if put so as to exclude the others—if founded solely on what is historically peculiar to yourselves—is not worth the paper on which it is written. But if your claims are founded on what is common and essential to the ancient Kirk—if they are put by you, not for yourselves alone, but, as you are well entitled to put them, vicariously or representatively for the rest—then I believe that such a claim contains in it at this hour the destinies of Scotland, and will yet receive the homage of the world.

For myself, I shall never cease to maintain that what rights you of the Free Church have, the United Presbyterians and Reformed Presbyterians have also, on essentially the same grounds. And I am not in the least moved by the consideration that many of the former are theoretical Voluntaries, and that they hold the opinion that there should be no connection of the Scottish Church and State. The question is not of their opinions, but of their rights; and not how

Claim of Right must include the rights of Scotch Voluntaries.

they will use their rights, but whether they as well as you possess them. I have never been able to see any difficulty on this point, and I think any puzzle as to it springs from confusion of ideas. It may or may not have been right for Scotland to give privileges to the Presbyterian Church at all, but in point of fact it has given them ; and that historical fact raises the historical question—if you like, it creates the question—Who has a right to those privileges, and who has dispossessed the owners of the right ? It may be a question whether a Faculty of Advocates ought to exist in Scotland ; but, so long as it exists, I have no right to usurp my learned friend's wig in order to appear with it even in the Court of Teinds, far less in order to sell it in an English pawnshop. It may be a question whether John Knox should have accepted any State Endowment instead of sticking to his original idea of a Sustentation Fund by the people ; but that can never interfere with the other question, whether he accepted those endowments for Dr. Cook and Dr. Blair to the exclusion of Ralph Erskine and Thomas Chalmers—or whether the dust stirred in his grave, when an English majority in 1843 wrenched his endowments from the protesting hands of our representatives in Parliament. Yes, the ques-

tion of right is wholly independent of the theoretical inquiry whether there ought to have been a State Church at all, and still more of the inquiry whether there should be one in the future. Men say, "Oh, the Scottish Voluntaries may be thrown out of account, for whatever rights they may have, they will never claim them." It is a poor and mean-spirited fallacy. They will claim no rights as against the nation and people of Scotland—no, nor will you. I believe neither of you have any such rights against the nation. Yet you have rights under the nation, and so have they; and both you and they will claim them for the nation and for yourselves as against any minority of the nation which withstands its rights and yours. And no man need attempt to deceive or to confuse you on such a subject as this. What! you, the sons of the men of 1843, find a difficulty in reconciling the ideas of right and relinquishment, claim and self-sacrifice! Why, what are rights given us for in this world except to relinquish them for the good of others? Why were the strong made, if not to serve the weak? And why do we draw breath on Scottish soil, if not, for poor old Scotland's sake, first, to assert our rights, and then to surrender them *to her*?

For, Gentlemen, with all this talk of the rights

Claim to
Endowments
by Protestant
Churches :
Secularisation
of Church
funds.

of Churches to endowments, let us remember that, in the most important sense, these belong to Scotland alone. And here again I am not using metaphor or rhetoric. In the great war which raged between the jurists as well as the theologians of Europe after the Reformation, three points, I think, came to be thoroughly established, as to the sense in which Protestant Churches claim such things as State endowments—three points in which their views differ from the Romish views. In the first place, none of our Churches claims temporalities as its own in the absolute sense in which the Church of Rome has for centuries done. And your Church in particular has acknowledged this most frankly—acknowledged it in the very front of the Claim by its General Assembly in 1842. Some things it there claims absolutely and inalienably, as against the State and everyone else, but these are its spiritual liberties. All Church temporalities, on the other hand, it acknowledges, appertain to the State, to do with them what it thinks just. No doubt at that point your just claim comes in, but still it is a claim the justice of which you will present to the State, and then leave it to its disposal, as being of right the party to deal with it. I acknowledge, indeed, that you are, even in

this matter, in a very different position from that of the Established Church. You sometimes hear members of that Church speaking as if it had an independent right to temporalities which the State is bound to acknowledge. Now, that is using Free Church language by mistake. It is only a Church that is independent that can make a claim as being independent; and the decisions of 1843 have, I am afraid, a conclusive bearing on that matter. But even you, who preserved your independence at such a price, and protested that you should therefore at all times have right to come back to the Legislature, even you will come to the State on this matter, as being the party which is the judge and the authority—which in that capacity may, no doubt, do right or do wrong, but which in any case is the party to deal with it. And, secondly, when you ask the State to do justice, it does not follow that it is to do justice in the old form by simply restoring the endowments to you. I have already said enough on one branch of this, as to the equality of the rights of the other independent branches of the Church. I add now, that the State, on your principles, which are the common principles of Protestantism, if it deprives the Established Church of its present ex-

clusive and odiously unjust possession of the endowments, is bound, in distributing and using them, to keep in view the whole Church of Christ in the land, and, in particular, to consider its constituency equally with yours. You do not unchurch other Churches whose relations with the State you consider unfortunate. And, while I cannot recall what I have, in a separate form, upheld, that the "Scotch Law of Establishment"* is, since 1843, a law of subjection in Church matters to Parliament, I repeat now, what I have taken every opportunity of maintaining, that, whatever its leaders may do, the members of that Church for themselves reject and refuse that existing law, and would join you to-morrow if it were put seriously into practice. There is absolutely nothing, except separation from the State, that is needed to put the Established Church of Scotland on the same footing of freedom and independence which you possess; and there is nothing in your principles, or in any others, to suggest that the State, in dealing with the liberated endowments, should not, as a matter of course, deal with that Church, as, on a narrower proposal, one of the branches of the

* See Note C.

Presbyterian Church, or as, on a larger, one of the branches of the Church of Christ in Scotland. But, thirdly, there is another point in your Protestantism which has, perhaps, still more important bearings on the matter of endowment. When these funds come back for the disposal of the State, as the party having proper right to deal with them, neither it nor you are bound to apply them—Church funds though they have been—to Church purposes. In a Presbyterian Church there is no such thing as sacrilege in the wise disposal of funds and property. If you think that a secular disposal of funds to which you have a right, or in which you have an interest, is better—better for the Church and better for the State—than devoting it to its prior religious purpose, then you are not merely entitled, you are bound in conscience, to secularise them; and any Presbyterian who thinks otherwise is not only a little of a heretic, but a good deal of a fool. You do not think so. You belong to the Church of him who melted the silver apostles and sent them about doing good; or rather—I say it reverently—you belong to the Church of Him who said, “I have called you not servants but friends,” and who retains the power to make intelligible to each

generation of His servants His will for their work and their day.

Free Church
and United
Presbyterian
Claims sup-
port each
other.

Now, I hold that these three considerations, taken together, amount to this—that you and Scotland stand in this matter in the same line; that there is no inconsistency either between your interests and that of your Presbyterian brethren, or between your interests and that of your nation; and that the more promptly and the more strenuously you press your own rights, and press them together, the better it is for our common country, and for all parts and sections of it. I need not say that in pressing the joint rights of the disestablished Presbyterians, there is a fitness in partitioning the different aspects of what I hold to be essentially one claim. To the United Presbyterians it belongs rather to press your claim along with their own, as those of citizens and members of the State. To you there falls appropriately the honour and the duty of urging their rights along with your own, as together representing the ancient Kirk of Scotland, disinherited but free. You will more fittingly press the common Presbyterian right to the endowments—they, the duty of surrendering them to Scotland; but your prin-

ciples bind you to surrender them to Scotland as certainly as theirs, and their historical rights to every penny of the endowments are as certain and as sacred as yours.

And do not think, Gentlemen, that I am making either too much or too little of this matter of demanding the endowments for Scotland. I know that your Claim of Right is fundamentally a claim for far other things—things which do not depend on the will of any nation or any civil power. And I know, too, that you have learned to look with devotion and loyalty on a Church apart from all idea of garniture and endowments. You learned that on the day when you had to make your choice, and when, as the dear disinherited Church of Scotland passed into the wilderness, you exclaimed in words as loyal and as passionate as those of our native poet—

They support
one Claim for
Scotland.

“I wadna gie her in her sark
For thee wi’ a’ thy hunder mark !”

But you hold that the hundred marks also belong of right to her—the penniless lass with the long ecclesiastical pedigree: and I agree with you, provided that you include all her features, and trace

her genealogy aright, and that you remember that those who now seem to be opposed to you are in blood and faith your friends. Only remember also that the strength of your claim even to those civil rights grows and accumulates with the breadth of the basis on which you place them. As the Free Church of Scotland alone you have a claim conclusive against the present Church established, even if no other element came into account. As the same Church, forming part of, and, along with your ecclesiastical allies, representing the ancient and Free Kirk of Scotland, you have an impregnable historical claim to present even to the State. But when you blend these claims together and merge them in the rights—I do not say of the State, but of the people, of Scotland as a whole—you seem to me to occupy the surest and the strongest position, which includes all the others, and is mightier than them all.

And yet, last and most important, this is the position which is presently assailed and put in question. We are considering to-night the relations of Church and State in Scotland in the present time—not in the future nor in the past. Now, the precise point at which at this moment we stand with regard to those relations seems to me to be

this: Scotland has had a call from the accepted representative of one party in the State, whose position as such entitles him to be heard, even by Scotland, to make up its own mind and express its own will on what is to be done about the question of establishment. And in answer, it is not obscurely intimated by a section, I hope it may be a small section, of men, chiefly across the border, that Scotland shall not be free to consider that question, and that there are other elements to be taken into consideration than Scotland's own view of what is best in her own Church matters. Now, I say nothing as to the rashness of attempting to deal so with a proud and high-spirited nation. I say nothing as to the folly of not perceiving, and the shortsightedness of not acknowledging, the extreme peculiarity of the Scottish question. I say, broadly, that the suggestion from any quarter that on such a matter Scotland is not to make up its own mind—ay, and to have its own way too—is intolerable. Twice already has England interposed and done its best to ruin our ecclesiastical affairs. Woe be to the man or to the party which shall serve itself heir now to those ill-omened deeds! But if the freedom of Scotland

to deal freely with this matter is the question of the hour,* need I say that the hour has struck for you!

* A few days after this lecture, the Right Hon. Gathorne Hardy, Secretary at War, came to Edinburgh, and, on 12th December 1877, addressing an audience assumed to be composed of "Conservative Working Men," replied to Lord Hartington's statements of the previous November. The positions of the two politicians, each claiming to speak for his party on our Church question, have been summed up as follows, unfortunately in complete accord with the view stated in the text:—

"Lord Hartington, speaking of disestablishment, laid down the principle that the existence of an Established Church ought to depend on its acceptance by the majority of a nation [Scotland]. . . Mr. Hardy laid down the principle that Scotch establishment was to be upheld as a bulwark of English establishment. It is to exist that something else may exist."—*Saturday Review*, 15th December 1877.

I am not aware that on either of the two previous occasions when England interposed (in each case at the instance of a Conservative administration) to subvert and disrupt our Church, such an undisguised purpose was disclosed to override the interests and desires of Scotland as has been manifested at this crisis. It came out in Mr. Hardy's speech, not only in its general tone, but in a most curious scriptural blunder into which the War Secretary pardonably fell, but which has since been strangely echoed by some of his theological auditors. "'Let it be neither mine nor thine, but divide it,' is the language of jealousy and not of patriotism," he warned the branches of the old Church of Scotland. But what he thus urged them not to divide—what he urged one branch of it to hold fast against the rest—was State patronage and endowments; forgetful that, in the Hebrew story whose words haunted his ear, the test which revealed the false mother was her willingness, not to divide the wages of iniquity, but to divide the *living child*. And it is this last proposal with which we have to deal. The English knife, which carved our Church asunder in 1843, has again been deliberately unsheathed; for, on this occasion, there is scarcely the pretence that the good of Scotland is the thing consulted. The living child is to

Gentlemen, I have spoken so long of the present, and I have said nothing of the future, and my reason is this—I believe if we do our duty in the present, there is no difficulty whatever about the future. I mean of course in this matter of the relations of Church and State. In other things we may have troubles and difficulties—God has been too good to us in the past, and it is the

remain divided, the Church of Scotland is still to be split by the wedge of establishment and endowment ; but the price of the partition—the poor sum to which Scotland as a whole is entitled—will be paid faithfully by an English Parliament to the party which consents to profit by the transaction. Now this sort of suggestion cannot be made long without lowering the *morale* of those to be influenced by it. And, accordingly, we have responsive protestations made by individuals that if disestablishment comes, and with it the proposal that the divided Kirk of Knox and Henderson and Chalmers should again become one, they will leave it altogether and join the Church Episcopal ; or, even if they continue Presbyterians, will remain isolated from their brethren who have at length attained equality with them. The great Presbyterian family throughout the world listens with incredulity to these murmurs. They are accepted as mere threats not believed in by their authors, or, at most, as a hasty utterance of the strange tendency *quem lacseris, odisse*. And to a great extent they are nothing worse. But the inevitable tendency of the present system of things is to bring some of those mixed up in it gradually down to such a plane both of thought and feeling ; and none of the many symptoms of the time seems to me to urge upon us more significantly the duty of pressing frankly and pressing stedfastly for immediate disestablishment. We speak of it chiefly as a cure for religious injustice and inequality. But it will probably be found remedial of many moral distempers in which we share like our neighbours, but which are really, though indirectly, developed by the cherishing of what we on our side discern so easily to be selfish and unjust.

principle of your Church not to shelter itself from coming trial under any shield of authority or tradition—but in this matter of Church and State, it is scarcely possible that we can go wrong, if we move at all, and as I look forward I see only the flush and promise of the dawn. And there is another thing too. Even if there were more reason for anxiety in the future than I think there is, it is scarcely our business in the meantime to make plans or offer proposals. Others have still the opportunity for that, and we must see how they will use it. It is our business to take our stand on righteousness, and on the rights of all Scotland,—to take our stand, not so much against a fragment and a minority, as in favour of the whole Church and people, including that fragment and minority. Yes, I believe that this is a case in which the bare disposition to do justice will be found a sufficient solvent of difficulties.

But before we part, let us take one glance at the future—first, at the future of endowment or non-endowment, and then at the future of establishment or non-establishment. As to the former, a good deal of what I have said as to a State endowing the Church of Christ—while it has

no right ordinarily to endow a Church of Christ, a mere fragment or section of the former—may seem to you to point at concurrent endowment. And, in some cases I admit, that may be the result, though State endowment of the Church at all is in every case inexpedient if it can be avoided. But it is scarcely worth while to consider this matter; for concurrent endowment has no chance here in Scotland. You dislike it and distrust it and detest it; and the plain truth is, you won't have it. I don't agree with you altogether; at least, if the State is necessarily to endow the Church (an absurd assumption, for ordinarily it is the business of the people, not of the State, to endow the Church), then I think there is something to be said in theory for its endowing all its branches. But I know that you are quite certain not to take that plan in Scotland; and, practically, I have no doubt that you are right. You of the Free Church especially cannot afford to get into the complications to which that would lead, and if you could afford it, the course is not worthy of you. You came out in 1843, not because you were forced out, but because you could not receive gifts from the civil power on a certain

The future of
the Endow-
ments.

understanding. If you receive gifts again, who is to settle the new understanding for you? Do you wish to run in couples, as the dogs of the State? Was that chain so light when last you wore it, that you long to feel it on your necks once more? Would it be well to have the anguish of 1843 again in advance of you, instead of behind?—to feel again that the peace of your conscience and the safety of your Church depended on the mood of an English and Irish Legislature? No; whatever else is done, that is not the use that will be made of the endowments as the long and comfortable life interests gradually fall in—that use will not be chosen while there are a score of other purposes, to any one of which they may be admirably applied. What those purposes will be we need not say. I am very much afraid the lairds will not get any of that money. I am very certain that England will never receive a farthing of it: I trust to Lord Hartington for that. I believe it will be preserved to Scotland, and to the parishes of Scotland. If any one proposes to endow with it any one of the Presbyterian Churches, it will be rejected as extreme injustice. If any one proposes to endow the whole Presbyterian Church, or the whole

Church of Christ in Scotland, I have no theoretical objections ; but I do not believe at all that it will work. But there are many things that would work ; and there is one suggestion present to the minds of ten thousand Scotsmen at the present hour. If every farthing of it were given to the people of Scotland for education, the people of Scotland, relieved from a burden in each parish, would easily and joyfully provide for the support of their Church, a Church which would at last become national.

Yes, national ; for, on the matter of establishment or non-establishment, I see no more practical difficulty than on that of endowment. There may be theoretical difficulties. What is establishment as distinguished from endowment ? I have heard answers, but have got no help from them. You might as well send me back to the 23d chapter of the Westminster Confession. Not that I have any objection to the 23d chapter ; there are parts of it, as of all our confessions, which no man can read without admiration. But as to establishment in it, there is a difficulty. I have read defences of it by very able men against the intolerance and other mistakes of the time which it is admitted its authors held. These vindications were very elaborate, and probably very successful ;

The Future
of Establish-
ment.

but they reminded me too much of what sometimes happens to you in a Highland village, where, in a dark night, you ask for some man to guide you on your way ; but when the promised guide comes, he is so weak with age that you have not only at every point to tell *him* which is the way, but to support him on his legs besides. Now, as I do not receive enough of light from that 23d chapter, and am not ambitious to add one to the numerous crowd which is giving light to it, I turn elsewhere ; and I do get one idea from a modern theological document for which I have a much higher respect. I do not mean the chapter which the great American Presbyterian Churches have substituted for the other, and which is certainly a very great improvement. I mean something nearer—the Articles of Agreement of the four chief Presbyterian Churches outside our Establishment. And the idea which is to be got from them in general (for I do not look at them in detail, as men might differ about that) is the idea of Recognition instead of Establishment—recognition of the Church of Christ generally, instead of establishment of one particular branch of it.

Recognition
instead of
Establish-
ment.

Establishment of any particular Church in our day involves a great difficulty. Establishment of

one of our Scottish Presbyterian Churches exclusively is not a difficulty but an intolerable wrong. Recognition of the Christian Church as a whole, instead of establishment of any of its parts, seems to me the course in which thinkers and statesmen, rulers and people, are moving all over the world. And it is, in several respects, a very much better course. The idea of establishment has always had this disadvantage, that sooner or later people come to think that the Church is founded upon it; or, at least, that the Church cannot get on without it. One cannot so easily fall into that mistake when there is mere recognition by the State. Things do not exist in this world because they are recognised: they are recognised because they exist. It is because the Church already exists, and exists independently, that it has a claim to be recognised by the State. And, accordingly, that recognition is not in the least necessary for the Church. It may be necessary, or, at least, very desirable, for the State; *e.g.*, when it has to adjudicate upon any civil interests in which the Church happens to be concerned. People cannot well do justice when they ignore what exists. But even upon this matter of a pre-existing Church jurisdiction, however interesting it may be to lawyers, I cannot say that there

Recognition
in the Law
Courts.

is any reason for solicitude by the Church—least of all by the Scottish Churches. One fact makes that unnecessary. Whether their jurisdiction is ultimately founded on Divine institution or not, it is at least notoriously matter of contract and good faith between the members; and as such it cannot be ignored by any Civil Court without conscious and deliberate injustice. I don't believe there is any danger of permanent injustice on this point in any Protestant and constitutional countries—certainly not in Great Britain. Our own Court, which had some peculiar temptations to be partial in this respect, went even out of its way, as you may remember, in closing the Cardross case, and at some risk to its dignity set this matter of justice right; and the larger jurisprudences of England and America have already laid down principles, while our past history has established feelings, which will effectually prevent any retrogression. You must give us some time. You cannot expect all Courts to attain at once to the formulas of respect for the Christian Church as such, which the Supreme Court of the United States has sanctioned.* But I am satisfied

* See *Watson v. Jones*, 13 Wallace's American Reports, pp. 679 and 729; and *British Quarterly Review*, Oct. 1876.

that you are henceforth no more likely to be interfered with in your Church jurisdiction by the law, than you are to have renewed to you the offer of that other jurisdiction, "flowing from the supreme power of the State," which you indignantly refused in 1843. And if the internal relations of the Church are safe, if in God's great goodness its work in human hearts and households may henceforth go on in peace, then, whatever statesmen and lawyers may do, it is not desirable for the Church to concern itself too much about the kind and amount of external recognition of it which the English State may in the future yield. In particular, I must express my conviction that it would be a great mistake to delay for an hour on this account the disestablishment of any mere fragment of Presbyterianism. No one, I think, who candidly studies contemporary jurisprudences can doubt that the retention of establishment, far from being a help, is almost everywhere a hindrance—sometimes the great hindrance to the adoption of a universal and just legal theory on this subject, and to the recognition of the Church of Christ as an existing fact. And in Scotland, in particular, disestablishment is the chief thing we need to make the legal course, which is already safe, luminous and attractive.

Recognition of
the Scottish
Church, or of
Scottish Pres-
byterianism.

These considerations relate to the recognition of the Christian Church as a whole, and of all its branches. But is there no question to be raised with regard to special recognition, even after disestablishment, of the Scottish Church, or the Presbyterian Church as a whole? I have spoken in vain, unless you agree with me that our Scottish Church question is a very different one from that of England; that it is one which comes first, and comes separately, and comes immediately. Now, that straightway raises the consideration that the English Church is almost certain to continue established and endowed after the present Scottish Establishment has ceased to be. Is there to be no recognition by the State in these circumstances of historical Presbyterianism in Scotland, as well as of the Church of Christ generally? Endowment we don't want, privilege we don't want; but is there to be no separate recognition of it at all? Well, I think that a fair enough question; but I do not think it a matter of any importance to us in Scotland. Provided all establishment, and the unfair endowment of one fragment of the Church, were done away with, I could conceive a certain recognition within a recognition—a historical recognition of the Scotch Presbyterian

Church, as well as of the Church of Christ in general—which would be gratifying to your feelings, and in accordance with your principles. But would it be sufficiently fair to the smaller fragments of the Church—say the Congregationalists—who dwell so usefully within our borders? And is it necessary? If the Legislature remove the wedge by which it now holds us asunder, is the Presbyterianism of Scotland not quite able to recognise *itself*, to make itself recognised by the world, and to maintain itself without foreign help and against foreign influence? I believe it is; and that, as establishment is confessedly that which divides us most in Scotland, and is that also which weakens us most, if it were withdrawn, the State could neither do very much for us nor very much against us. Still, when that happens, many Free Churchmen, who at present have not the remotest idea how to remedy the dead-lock which they lament, will become fertile in plans for the opening future. And ideas may deserve attention on the morrow of disestablishment which are premature now, because they have no bearing on that first step.

My present impression is, that in looking forward to our Church Establishment being abolished while

Guarantees
against
Episcopacy :
Negative Es-
tablishment.

that of England survives, there is only one precaution that is worth taking. But that one precaution we must have ; and I lay the more stress upon it, because, so far as I know, this is the first time it has been publicly referred to. Whenever that change happens, under whatever circumstances, under whatever Government, Scotland will insist upon retaining the statutory and Parliamentary guarantees which at present secure us on this side of the Border against the establishment of the Church Episcopal. It is possible some of my Voluntary friends may not like such an idea. I think they are wrong, even on their own principles. That is not establishment of a Church ; it is securing us, the people of Scotland, against the establishment of a Church, and doing it on the plain grounds on which William III. put it, that it is contrary to the inclination of the people, and that they have a right to be secured against too powerful neighbours. But whether it is liked or disliked by some of us, I believe it will certainly happen, and that Scotland will resolutely demand it. And it will solve the remaining problem, in so far as there is any problem which remains. You may call it negative establishment if you like. Well, negative

establishment is pretty much all that we need ; and all that we shall accept from England. Leave us alone. Scotland will establish her own Church, and we humbly trust that “the Most High shall stablish her.”

For, Gentlemen, the oftener we recur to this subject, and the more carefully we look into it, the more it is plain that our fathers did a work for all time, when they raised the question of the independence of the Church high above all matters such as establishment and endowment. It may not solve such questions for all other lands, and for all conceivable circumstances ; but, practically, it solves them for us. Even in other lands, and over the world, things are looking more hopeful in this matter as compared with the past. Everywhere I see the reaper tread on the heels of the sower, and labour prevented by reward. But for us the hardest questions have really been solved by the faithfulness which was given to men whom we knew, many of whom we shall see no more on earth, and whose eyes to-day look out upon me from the faces of their children. It is their hands that are now stretched forth from the darkness to smooth our way—our way, and that of our brethren, who are

impeded, I believe, not by selfishness, but by circumstances. Yes, other men have laboured, and we have but entered gladly into their labours. For them was the great trial of faith and hope: for us the easy task; for us the rich reward; for us the unearned praise—the sheaves of a land which we have neither tilled nor sown, but over whose wild Highland hills and desolate lowland moors they went forth weeping, bearing that precious seed. God grant that we in our day may receive somewhat of that spirit of righteousness and love—and love and righteousness are not two things but one—which we also need for our duty and our call!

NOTES TO THIRD LECTURE.

NOTE A.

ULTRAMONTANISM AND THE CHURCH OF SCOTLAND.

“WITH regard to the Church of Scotland, and ‘still more decisively’ the Free Church, I shall venture to state, and hope to prove, that it would be just as reasonable to accuse either of them of Cæsarism as of Ultramontanism. Cæsarism, let us say, means, speaking generally, the supremacy of the State over the Church. Ultramontanism, again speaking generally and provisionally, means the supremacy of the Church over the State. Now, whatever its actings may have been, the notorious theory of the Church of Scotland has been always that there is no supremacy of the one power over the other, and no subordination of the one under the other; that each has its own separate sphere: that in that sphere each is independent and supreme; and that each has thus its own jurisdiction, not derived from the other, or held of the other, but, as the Free Church came habitually to term it, a ‘co-ordinate’ jurisdiction. That this theory was originally conceded to the Church by the Scotch lawyers, or unequivocally recorded in the Statute-Book of the realm, I have never been able to see, though our Churchmen have weightily urged that it was so. But, on the other hand, that it was claimed by the Reformed Church itself, and that from the first, I have no doubt at all.”

After quoting the "Book of Discipline" and the "Westminster Confession," on behalf of the Church of Scotland, the argument proceeds :—

"But Archbishop Manning holds that the witness of the Free Church of Scotland is 'still more decisive' of his assertion that every Christian Church claims both independence *and supremacy* in the Ultramontane sense. And it is quite true that this body, both when representing the Church of Scotland for ten years before 1843, and after its disruption from the State, revived the old principles with a 'precision and intensity' which make us look there, if anywhere, for a critical utterance. We shall not be disappointed.

"In his later papers, Dr. Manning generally speaks of the Church as 'separate and *supreme*.' But his use of the last word is vague or ambiguous. Sometimes he says the Church is 'supreme in its own sphere,' which in one sense every Christian Church should be, or is; and which in another every king, every clerk, and every costermonger is. But again he speaks of the Church being 'supreme in its own sphere *over the State*,' by being a 'superior authority' over it. And this again baffles us, and brings us back to the question, What is meant by 'supreme' in the Ultramontane sense? Does it mean no more than 'independent' in the Scotch Church sense, at least as that Church's claim was made 'precise and intense' in the Free Church controversy? On p. 36 of the pamphlet, Dr. Manning answers this question :—

"'Let us then ascertain somewhat farther what is the meaning of supreme. Any power which is independent, and can alone fix the limits of its own jurisdiction, *and can thereby fix the limits of all other jurisdictions*, is, *ipso facto*, supreme.' . . . 'The Church is the Supreme Power among men; that is to say . . . it alone can fix the limits of the

faith and law entrusted to it, and, therefore, the sphere of its own jurisdiction ; it alone can decide in questions where its power is in contact with the civil power—that is, in mixed questions.’

“It is admirably well put. This is the test of supremacy, as distinguished from independence—the test, therefore, of Ultramontaniam—that when a mixed question arises between Church and State, the Church shall not claim simply to regulate its own religious matters by its own laws, but shall claim, as of right, that the State yield to its authority in the disputed matter. The State, of course, may refuse, but wrongfully ; for the Church claims authority over its conscience. And the question is, Has this ever been the claim of the Church of Scotland, especially in its modern conflict with the State? Now, it is unfortunate that an eminent prelate, in a crisis of his Church’s fortunes, should make an appeal to Scotland, which may be met by a crushingly conclusive answer. For the specialty—the notorious and characteristic thing—in the Scotch Church position from 1838 to 1843 was, that it took the form of rejecting this Ultramontane claim. It was not only by implication. It was not merely by general statements of mutual independence, as in the old standards, leaving the limitation of Church powers to be inferred. It was by express statement of the particular formula, carried out too in practice. The very first step, when the ‘mixed question,’ the Auchterarder case, was decided against the Church by the supreme civil tribunal, was that Dr. Chalmers, supported by young Mr. Candlish, moved that ‘the General Assembly, being satisfied that, by the said judgment, all questions of civil right are substantially decided, do now, in conformity with the uniform practice of this Church ever to give and inculcate implicit obedience to the decisions of civil courts in regard to the

civil rights and emoluments secured by law to the Church, instruct the Presbytery to offer no further resistance to the claims of Mr. Young or of the patron to the emoluments,' while, at the same time, it formally declined to take any ecclesiastical steps in their favour."

The statement goes on to quote the "Engagement" of the Church party, the Protest of the Moderate minority, the Free Church Catechism, statements of Principals Cunningham and Rainy as to what "we have uniformly not admitted merely, but contended," and, lastly, the Claim of Right of 1842, and the Protest of 1843; and sums up:—

"Throughout, the Church contention was, that neither power had the right to fix *for the other* the limits of its jurisdiction or the rule of its actings—*i.e.*, that neither was supreme in the Ultramontane sense, but both were independent.

"Now all this Scotch theory may be absurd. It may be impracticable. It may be inconsistent with the principles of Civil Government on the one hand, or of Church authority on the other, or with both; all this it is quite open to Dr. Manning at any time to argue. But that is not the question. The question is, Whether at a moment when the European powers of Cæsarism and Ultramontanism are proclaimed to be locked once more in conflict, the venerable representative of the latter system in Great Britain can be permitted, publicly and repeatedly, to claim moral support from a system which is not opposed merely, but is broadly and notoriously opposed, to his own? For the Mutual Independence theory of the Scotch Church was not a thing hidden or capable of being misunderstood. It, and its corollary, that neither was 'supreme' (that is, as Dr. Manning most accurately puts it, that neither could authoritatively prescribe limits to the other), was made hard dogma. It was reduced

to formula. It became food for babes and catechumens. It was brandished about by Free Church controversialists, challenging and urging reply, till all Scotland grew weary of it. And now, when attention is directed from without, by the seeming impossibility of otherwise extricating the deadlock visible in Prussia, and impending all over the world, it is a little unfortunate that so eminent a controversialist should claim it as 'directly and explicitly' in favour of the Ultramontane theory.

"I do not press the general view, which is substantially and satisfactorily conclusive, that all Protestant Churches, but most particularly the Scotch Church, are founded upon a repudiation of the characteristic tenet of Roman Catholicism, whether Ultramontane or not—the tenet, namely, that, in the Archbishop's words, the Church on earth 'holds in custody the faith and the law of Jesus Christ, and is the sole interpreter of that faith, and the sole expositor of that law,' and so has power 'to legislate with authority,' and to 'bind consciences.' But I select the characteristic of Ultramontanism given by Dr. Manning himself—supremacy; and of that not very ambiguous term I take his own careful definition; and I admit that the history of the Kirk, especially in the modern conflict which he challenges as the critical one, turned exactly upon the test which that definition supplies. And I must be permitted to say, that the result of this sifting process is, that it would be quite as reasonable for Dr. Falck to claim that the documents and history of the Kirk of Scotland and Free Kirk are 'directly and explicitly' in favour of Cæsarism, as for Dr. Manning to claim them in favour of his own system."—*Contemporary Review*, July 1874.

NOTE B.

THE ITALIAN ANSWER TO THE EUROPEAN QUESTION.

“OUR press feels that the German and Catholic question is the only one of supreme interest in the politics of the world ; but who will venture to say on which side England as a whole has pronounced? And, above all, who can suggest any principle by which our views on the Continental conflict are at present regulated? There is just one advantage in the present state of matters. Other nations may not have solved the problem ; *we* have at least gained this—that we know we have no solution to offer.

“Now, in these circumstances, a voice comes from Italy, reminding us that the nation on which is laid the burden of maintaining within it the personal head and ruler of Catholicism, has deliberately adopted and is working out a *third* theory, equally distinct from that of Germany and that of Rome. In the spring of this year, Vigliani, the present Minister of Grace and Justice of the Italian Kingdom, addressed to the Procureur-General of the Court of Appeal at Rome, a communication intended for the Italian magistrates generally. In it he reminds the judicial and executive authorities that, in 1871, on the ‘entry of the Italian Government into this great metropolis of the Catholic world,’ laws on the relation of Church and State were adopted which proceed upon a general principle. That principle is the ‘Free Church in the Free State,’ not in any popular or declamatory sense of Cavour’s aphorism, but as carried out into exact judicial application. So carried out, it leaves the Church free in the Church region, even when its proceedings are condemned and held invalid by the State ; but maintains also the freedom of the State in *its* region to deny all civil effects and results to such ecclesiastical

proceedings, as well as to enforce, in that civil region, all its own laws, however these may be condemned by the Church or its head. There are other countries, and there have been other times, in which the same equipoise in principle has been maintained and asserted, and the past of Europe is a history of oscillation and variation around some such centre. But the view has, probably, never been enshrined in legislation with the same emphasis and solemnity, and certainly never at such an important national crisis, as when Victor Emmanuel went to the Capitôl. The theory was new, at least in the States of the Church. And Vigliani is certainly justified in pointing out that the new manner of procedure under such a law demands careful attention on the part of the magistracy. The practice of jurisprudence, he reminds them, may occasionally require new forms or special care ; for it, at all times and in all its details, ‘ought to be in conformity with the principles of reason and with the true idea of the legislator.’ And, with a view to regulate that practice, he recalls the executive and judicial authorities of his country to the principles and idea laid down in the laws of May 1871.

“The result, therefore, of the application of the Italian principle to the German question would be—1. Abstinence by the State from any interference with the internal government or proper ecclesiastical action of the Roman Catholic communion in Germany. 2. ‘Surveillance’ retained over the whole communion, even in its details, with a view to settling any pecuniary or other civil questions which may arise out of Church action. Under this head, as well as the next, it would be competent for the State even to transfer the endowments, in whole or in part, to the Old Catholics, or any others whom it regarded as more entitled to them in

consequence of recent changes. 3. There might, and probably would, follow disestablishment and disendowment of any communion which adheres to a system already disapproved and condemned by the State. 4. In so far as that system is disapproved as aggressive in its relations to the civil power, positive acts of aggression or intrusion (upon German soil) would fall to be punished and repressed by the public law from time to time. That such a system would be absolutely simple, or without difficulty, no wise man will assert. The working out of questions of conscience and religion will be a difficult and delicate problem to the end of time, on any system. But it would be just. And it would be practicable: the State, being clearly on its own ground and within its right, could no longer be frustrated by that passive resistance on the ground of conscience which, in the meantime, is successfully opposed to it. Not that the new course, any more than the old, would free Germany from Romish hostility. The Italian principle, scrupulously fair and symmetrically just as it is, is still the object of ceaseless attack and invective by Ultramontanism; and if transferred to the German Empire (as it will, no doubt, soon be, at least in practice), it will not find more favour with an Ultramontanism, against which it would probably unite the nation. But from what a burden of censure and misconstruction from every part of Europe would this change deliver Germany! And how would its being set free from its self-imposed ecclesiastical duties enable the empire, with fourfold power, to assume that championship of the whole European conflict to which it is clearly called!"—*Contemporary Review*, October 1876.

NOTE C.

THE CONSTITUTIONAL LAW OF 1843.

THE reference is to a pamphlet published in 1875 (Edinburgh: Maclaren and Macniven). By the "Law of Establishment" of the Church of Scotland, I mean the original and fundamental law of its establishment, as the history and Statutes embodying this were solemnly construed by the Court in the critical cases before 1843—construed apart from the matter of patronage, and sometimes in cases which were not even occasioned by the Statute of Queen Anne. The suggestion was made, at a time when (had it been at all accepted) much confusion must have ensued, that the abolition of that Act was all that was asked—all that was needed—in 1843. By far the best answer is the lucid and conclusive statement of Sir Henry Moncreiff, entitled "The Identity of the Free Church Claim from 1838 to 1875; a Letter to his Grace the Duke of Argyll" (Maclaren and Macniven). It settles for ever the question on its historical and ecclesiastical side. But on the legal side the suggestion, embodied in a letter addressed to me by his Grace the Duke of Argyll (Edinburgh: Edmonston and Douglas), proceeded on two startling assertions in point of forensic fact. These were—(1) "that all the decisions, the worst and last as well as others, proceeded on that one Statute of Queen Anne; whilst (2) all the great constitutional Statutes of the Reformation remained behind unquoted and undisturbed." Every lawyer knows that those old Statutes were incessantly quoted in the decisions referred to—even in the Auchterarder case, which had least to do with them, the quotations of, and commentary upon, the constitutional Statutes of the Reformation occupy hundreds of pages; while in the later and much worse Stewarton case, which had

not the remotest connection with patronage, they occupy far more). But if so, the other question, Whether the decisions were *founded* exclusively on the later Act, or not largely—and in some cases solely—on the supposed original and fundamental law of establishment; whether in truth “Patronage had disappeared from sight, and not the extent but the source of the jurisdiction of the Church, was the point of vital controversy?”—that other question comes to be one which every man, lawyer or not, can most easily determine. He may do so almost without assistance. But in those twenty-five pages I have endeavoured to furnish the unlearned Scotsman with a guide by which he may move through the law reports, distinguishing between the now abrogated law as to patronage and the still binding law of subjection of the Church. And the materials compressed into that space seemed to me to warrant the following summing up:—

“That, my Lord Duke, is *the present law of Scotland on the subject of the constitutional relation of the Established Church to the State*. It is of enormous bulk—I have not been able to quote one-tenth part even of the more important reasoning to the like effect, especially in the later decisions to which I have referred. So far from being put hastily or occasionally, it was laid down with extreme solemnity and after the greatest deliberation. And its authority is *cumulative* to an unparalleled extent: any one of these decisions would of itself have settled the law—all of them have put it beyond a doubt. Critical as the question of that five years’ debate was, and acknowledged on all hands to involve the legal founding (or ‘subversion’) of a National Church constitution, I claim for the Supreme Courts of Scotland that the gravity of their treatment of it was equal to the greatness of the crisis.

“And of this huge mass of constitutional law no fraction is repealed, or weakened, or in the slightest degree affected, by the passing of the Patronage Act of 1874, and the repeal of the Act of Queen Anne. No one of those decisions, however ‘bad’ or good they may have been, is dead. They are all living; and they bind, with far more than the ordinary authority of solemn judgments, first, the Established Church; and second, the present judges and administrators of the law. Since last year’s Act came into operation, the principles so emphatically laid down at 1843 can no longer be applied in favour of the rights of the patron, or to frustrate any of the particular changes effected by the Statute of 1874. But the principles themselves are as binding as ever, and every judge (whatever be his private view of what ought to have been the law) is bound to apply them to the whole circumference of Church rights and duties, except in so far as a special subsequent Statute gives immunity for the time as to a particular region. For while all acknowledge that the principles of 1843 are *central*, and professed to settle the constitution of the Church (in its relation to the State), no one pretends that the Statute of 1874 has anything constitutional in it; and your Grace has both ridiculed and denounced the expectation of a remedy of that kind. But if so, it is most certain that there is no hope in the older Scottish Statutes. All those Statutes have been construed by the Court, and construed together, deliberately, repeatedly, solemnly, and in connection with the original establishment of the Scotch Church. And these decisions, which absolutely bind the Church (and have been accepted by it, if that were of any consequence), are, I am afraid, quite fatal to your Grace’s ingenious, and not undesirable, theory of ‘access’—(‘Access to those Statutes was barred, as it were, by an intervening obstacle. Remove that obstacle, and the fire of

those old Statutes would be uncovered—their light would shine unimpeded—their provisions would recover conclusive authority and force'). It is now the authoritative law of the Courts of Scotland (and construing Statutes was always admitted to be their legitimate work), that access to the older Statutes was *not* 'barred by the intervening obstacle' of the Act of Queen Anne ; that if you remove that obstacle, no 'fire' will be found behind it in the Acts of 1567, 1592, and 1690, except a more devouring flame than that of the later enactment ; and that the 'conclusive authority and force' which these Statutes have—not 'recovered'—but always in the view of law possessed, is the authority of supremacy on the part of the State, with subjection on the part of the Church—is, in short, what I have been driven to set forth in quoted words on the preceding pages, but what readers will find in the records of the law in far greater fulness.

"If, then, the Patronage Act repeals neither the decisions of 1843, nor the old Statutes and general principles upon which these decisions (in so far as they are constitutional) bear to be founded, the only remaining suggestion is that which an uneducated man, who had read no Parliamentary debates in 1874, would be apt to make : 'Might not the Court now hold that though the Legislature in 1874 made no change upon the constitutional law in the words of its Statute, it yet perhaps intended to do so, or to give a hint to the Court to do it?' I need not say to your Grace, that were this supposition true—had the Duke of Richmond and the Duke of Argyll, Mr. Disraeli and Mr Gladstone, united last year to declare that, in passing the Patronage Act, the Legislature *meant* to undo some part at least of the general law not referred to in it—that could make no change whatever on the law. It would have been a conscious evasion

of the *whole* difficulty; and no Scotch Judge could give the slightest effect to it. But every one remembers the extreme contrast to this supposition in the recent facts of the case. In accordance with the earnestly expressed desire of the Established Assembly,* the promoters of the measure carefully avoided, in the House of Lords, all the constitutional questions which pressed upon those who could recall the history of 1843; and when it came to the House of Commons, the Government bent all its strength to prevent the only course which could have allowed those questions to come into legitimate consideration. Every one charged with the measure in Parliament acted as if it had been his chief desire (while abolishing Patronage) to maintain those constitutional principles of 1843 which your Grace now *ex post facto* suggests have been revolutionised—principles which would equally remain the law had all merely individual exertion at the proper time (namely, while the Bill was before the Legislature) been in the opposite direction from what was unfortunately the case.

“Still less need I say, in so many words—any schoolboy who should read the preceding pages of reported law must recognise it—that it is of not the slightest consequence to this question what attitude the Established Church of Scotland takes up in it either before or after the Patronage Act. Free Churchmen profess to be indignant at the actings of the other Assembly in the year 1843. But if human language bears any meaning, the law incessantly laid down before that date held it a matter of pure indifference what that Assembly, remaining established, should or should not do. If, instead of declaring the Veto and *Quoad*

* On the 29th May 1874; see newspapers of the following day, or “Church of Scotland Crisis” (Edinburgh: 1874), pp. 38–42.

Sacra Acts null, and solemnly renouncing the Church's Claim of Rights, it had issued a new Declaration of Independence, its doing so would have had no more significance than—to use *the* classical illustration upon this subject—the ‘recalcitration of the champion’s horse’ has upon the question of the Succession. Its prompt and perhaps excessive obedience at the great crisis, added, on the principles of the law obeyed, not one grain to the mass and weight of authority by which the constitutional position and duties of the Establishment were already fixed. And had its resolution in 1874 been one solemnly affirming that the Church had in and with the Patronage Act all that was asked in 1843—instead of one earnestly urging that Parliament should not be allowed to slip into such a mistake—the result to our constitutional law would be precisely the same. To that law, according to the principles now part of it, the Church since 1843 can contribute nothing—scarcely even submission.”—*The Scotch Law of Establishment*, pp. 51–55.

